

Appendix E

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COMPATIBILITY DETERMINATION

Use: Commercial Fishing

Primary Use: Fishing (commercial)

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), fishing (general), fishing (other), hunting (big game), hunting (other migratory birds), hunting (upland game), hunting (waterfowl), hunting (other), plant gathering, natural resource collecting, camping, hiking and backpacking, pets, photography, swimming and beach use, outdoor recreation (other), fishing (subsistence), gathering (subsistence), hunting (subsistence), subsistence (other), photography (wildlife), wildlife observation, fixed-wing aircraft, tree harvest (firewood).

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (1980).

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use(s)

This determination re-evaluates commercial fishing and facilities related to commercial fishing on the Refuge as described in the 1987 Kodiak Refuge Management Plan for Commercial Fishing Activities. Section 304(d) of the Alaska National Interest Lands Conservation Act allows the exercise of valid commercial fishing rights and the use of Refuge lands for structures and activities incident to the fishing rights as long as they are compatible with Refuge purposes and not a significant expansion of the level of such commercial fishing activities within the Refuge during 1979. The uses evaluated in the previously mentioned plan consisted of 25 setnet site special use permits that authorized the following types of facilities and uses:

- Primary type of facilities authorized per site:
 - One primary cabin for living quarters, cooking, food and dry goods storage, laundry, shower stall, and area for wet clothes
 - One structure for off-season gear storage and in-season overflow living quarters and workspace
 - One outhouse
 - One banya, if there is an inadequate fresh-water supply at the site
 - A small water storage tank (if necessary to build head for water supply)
- Size of facilities
 - Primary cabin—600 square feet
 - Utility cabin—400 square feet (for holders of 1–3 limited entry permits); 500 square feet (for holders of 4 limited entry permits), and 600 square feet (for holders of 5 limited entry permits)
 - Banya—64 square feet (if freshwater source is not adequate for shower)

Facilities may be occupied from May 15 through September 15 annually. Occupancy at other times of the year must be authorized by the Refuge Manager. Commercial fisheries are managed by the State of Alaska to maintain healthy fish populations; one of the purposes of Kodiak Refuge. Therefore, facilitating continued commercial fishing directly contributes to achieving Refuge purposes.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage the commercial fishing special use permit program. Administrative staff time is used to prepare the permits. Field staff visit sites and conduct inspections for compliance with the terms and conditions of the special use permits.

Anticipated Impacts of the Use

With the levels of use and related facilities described in the Management Plan for Commercial Fishing Activities, no long-term significant adverse effects on Refuge resources are anticipated. Most of the facilities have been in place for a number of years. The potential for adverse human-bear encounters always exists on Kodiak Refuge, especially where people congregate and especially associated with fishing. Special conditions in special use permits are designed to minimize this danger.

Reported defense-of-life-or-property bear kills are considered when the State of Alaska is establishing the number of brown bear hunting permits to be issued so no long-term adverse impacts would occur even if there are bear kills associated with these permits.

Invasive plants could become established at these sites because of the continued presence of visitors and existing vegetation and soil disturbance. These sites would be relatively easy to monitor for the presence of invasive plants, and eradication efforts could be undertaken prior to invasive plants spreading beyond the immediate vicinity.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. The State of Alaska commented about allocation of setnet fishing permits. The justification section of the compatibility determination was changed to clarify that the service was discussing special use permits issued by the Refuge for setnet site facilities; not limited entry permits issued by the State of Alaska for commercial fishing. There were no other public comments about this compatibility determination.

Determination

☐ Use is Not Compatible

☒ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

- Primary facilities permitted per site are one cabin (600 square feet), one utility structure (400 square feet), one outhouse, and one banya (64 square feet) if a fresh water source is not adequate for a shower.
- Buildings must be single story, and the exterior must be a dull color that blends with the surroundings.
- If existing facilities contain less square footage than allowed in the cabin management plan, the size of facilities may be increased up to the maximum. However, the increase will only be allowed if the total number of structures on site is brought into conformance with the cabin management plan.
- If existing facilities contain more square footage than allowed in the cabin management plan and these facilities are removed, replacement facilities must conform to specifications of the plan.
- New garden plots are not allowed.
- A special use permit is required

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. The step-down plan for commercial fisheries activities will be revised as necessary to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of these and other compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the

following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

The following permit special conditions will be updated, if necessary, when the Kodiak Refuge Management Plan for Commercial Fishing Activities is revised.

Regional Special Conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee's employees do not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- The permittee or party chief shall notify the Refuge Manager during Refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) name and method of contact for the field party chief/supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of crew members, and (2) any changes in information provided in the original permit application.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee except for cabins and tent frames is to be removed from Refuge lands upon completion of permitted activities.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- Unauthorized caches of fuel are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.

- Subject to available suppression resources, all permitted cabins will be protected from wildfire to the extent possible. Human safety will receive the highest priority consideration by land managers and fire-suppression personnel.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the permittee's possession at all times while exercising the privileges of the permit.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- Additions or alterations to existing structures and construction of new facilities must have the Refuge Manager's prior approval in writing.
- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.
- This is a permit for the specific approved commercial use from a designated site. No permitted cabin (site) may be used for recreational purposes, and no cabin may be sublet or rented.

Justification

Analysis conducted as part of the Refuge's original comprehensive conservation planning process found that commercial fishing-related activities on Kodiak Refuge had expanded beyond the 1979 level and that any further expansion of facilities would not be compatible with Refuge purposes. Since 1979, some facilities on selected Refuge lands were conveyed to private ownership. Commercial fishing activities continue on these sites, but are no longer administered by the Refuge. Other new facility sites include several recently constructed on private land and on islands administered by Alaska Maritime Refuge. The Kodiak Refuge, with substantial input from commercial fishing setnet permit holders and others, prepared the 1987 plan to address concerns that had been raised relative to adverse effects of facilities on Refuge resources. The plan was crafted to ensure that commercial fishing activities could continue without materially interfering with or detracting from the purposes of Kodiak Refuge. The 1994 public use management plan also concluded that no new permits for commercial fishing support facilities should be issued on the Refuge. Comments received from Refuge setnet site

operators during revision of the comprehensive conservation plan indicated they strongly support this decision to not issue additional Refuge special use permits for commercial fishing support facilities.

Because most sites have been occupied for many years, adverse impacts on habitat have already occurred. Very little other Refuge habitat has been affected by human activities. The small footprint of facilities minimizes habitat damage and concentrates physical and biological impacts. Special conditions contained in special use permits are intended to protect bears and other Refuge resources from adverse impacts; especially defense-of-life-or-property kills of bears.

Monitoring conducted by Refuge personnel ensures compliance with permit conditions and rapid resolution of problems before they become serious.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Management Plan for Commercial Fishing Activities. Kodiak, Alaska. 23 pp.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /
Project Leader Approval: UBSMB KSMK 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System: [Signature] 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Commercially Guided and Outfitted Hunting Services

Primary Use: Hunting (big-game guiding, small game and waterfowl guiding and outfitting)

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), interpretation (not conducted by refuge staff or authorized agents), fishing (guiding and outfitting), hunting (upland-game—guiding or outfitting), hunting (waterfowl—guiding or outfitting), hunting (other—guiding or outfitting), plant gathering, natural resource collecting, camping, hiking and backpacking, pets, photography, swimming and beach use, outdoor recreation (other), photography (wildlife), wildlife observation (guiding or outfitting), fixed-wing aircraft, tree harvest (firewood).

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United

States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates commercial guiding and outfitting services for recreational hunting on Kodiak Refuge. Although big game species, brown bear, deer, mountain goat, and elk are the primary species hunted, waterfowl, ptarmigan, fox, and other species are also hunted by clients of guides and outfitters. The compatibility of recreational hunting is evaluated separately. Guided hunting of brown bear predates Refuge establishment in 1941. Other commercial uses conducted concurrently and incidentally to big-game guiding activities are routinely authorized. These include wildlife viewing, photography, guided small-game and waterfowl hunting, hiking, river floating, other related activities, and boat and aircraft access. Commercially guided hunting and related services contribute to fulfillment of Refuge purposes and to the National Wildlife Refuge System mission by facilitating priority public use and management of healthy wildlife populations through controlled hunting.

Big-game guides are competitively selected to operate on Refuge lands through a formal process established by regional policy in 1992. This policy manages commercial guiding activities at a level that is compatible with Refuge purposes and that ensures high-quality guiding services are available for the public. There are 25 big-game guide use areas on the Refuge. All the guide areas are designated as sole-use areas and are limited to one authorized guide. Individual guides are limited to special use permits for no more than three use areas on Refuge lands in Alaska.

Currently, there are 17 guides operating on the Refuge. Guides must be qualified and licensed by the State of Alaska and are required to follow their written operations plans, which are evaluated by Service personnel during the competitive selection process. Operations plans include (1) dates of operation, (2) species to be hunted, (3) maximum and expected number of clients for each species, (4) number and type of existing or new camps (i.e., tent, temporary platform with tent, cabin, boat), including other needed facilities such as caches, (5) access points and mode(s) of transportation (i.e., airplanes, boats, and other nonmotorized means), (6) fuel storage needs, and (7) services provided by others (contracts for transportation, food services, etc.).

In addition to the competitively awarded permits for big game guiding, permits are issued for guided hunting of other than big game. This type of permit allows for the guiding of small game and waterfowl hunters. From one to three permits are issued annually.

This compatibility determination addresses the full spectrum of uses associated with the overall activity of commercially guided hunting, including all means of access, lodging and facilities, and other elements identified in the guides' operations plans. Authorized means of access for areas on the Refuge include fixed-wing aircraft, motorboats, nonpowered boats, hiking, snowshoeing, and cross-country skiing. Lodging and facilities include tents, tent frames, temporary platforms, existing cabins, and caches. Use of off-road vehicles by hunting guides and their clients is prohibited on the Refuge.

Hunting guides operate on the Refuge from early spring through late fall, in accordance with seasons established by State of Alaska hunting regulations. Guiding occurs during the various hunting seasons. Guides are in the field before and after seasons, preparing

for hunting season and removing any temporary facilities established under their special use permits. Guides report their activities annually as required under the terms of their special use permits.

From 1997 through 2002, guided recreational hunting averaged about 760 client use days per year, with a high of 1,311 use days in 1998 and a low of 546 use days in 2002. Most guided hunting is brown bear hunting. There is also guided goat and deer hunting. Under state law, most hunters who are not Alaska residents must use the services of a licensed big game guide to hunt brown bears and mountain goats. There are occasional guided elk hunts, and guided hunters may also harvest reindeer. For other-than-big-game hunts, waterfowl, small upland game are the target species.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage guided big-game hunting activities at existing and projected levels. Administrative staff time primarily involves issuing and renewing special use permits every five years; ensuring licenses and certifications are current; collecting client use day fees; and reporting data on an annual basis. Fieldwork associated with administering the program primarily involves monitoring the permittees' compliance with permit terms.

Permits are issued competitively for a five-year term, with provision for automatic renewal for a second five-year term. The competitive process requires a significant level of time and effort for the applicants as well as for Refuge and agency staff.

Refuge staff participation includes the following: Refuge Manager—five months, full time, for the competitive process, possibly including additional time for dealing with appeals that result in litigation; Refuge staff members who served on ranking panels (three panel members for five weeks each) equal 3.75 months staff time; administrative staff assistance provided by this Refuge—two people for two weeks each (1.0 months). Total minimum staff time by Kodiak Refuge staff members is 9.75 months to issue 25 permits.

Refuge staff time to annually administer and monitor these permits is 9.0 months. Transportation and other operational costs for monitoring is about \$25,000 per year. A nonrefundable administrative fee is assessed when each permit is issued. In addition, client use fees are assessed for each day a guide has a client on the Refuge. Current client use fees are \$16.70 for bear hunters, with \$100.00 per-client minimum, and \$5.60 for deer and goat hunters. Fees collected are deposited into the general fund and are not returned to the Refuge.

Adequate Refuge personnel and base operational funds are also available to manage other than big-game guiding activities at existing and projected levels. Currently, there is a nonrefundable administrative fee for this annual permit and a client use fee of \$5.60 per day is assessed each day a guide has a client on the Refuge.

Anticipated Impacts of the Use

Criteria in the competitive scoring and selection process used to select big-game guide permittees address minimizing impacts to Refuge resources and to other visitors. These criteria include impacts on wildlife resources; other Refuge resources such as water

quality, soil and vegetation disturbance, and other Refuge users, especially subsistence. The criteria address such factors as target species, number of clients, transportation modes, number of and amount of aircraft use, fuel storage, garbage and human waste management, methods to protect wildlife and habitat, type and location of lodging, and location of access points. These selection criteria are used to rank or score applicants and provide a strong incentive to maintain a low-impact guide service. Permit conditions and stipulations noted in a following section also contribute to minimizing potential impacts.

Commercial big-game guide operations have limited competition with other recreational or subsistence harvest. Brown bear hunting on Kodiak is tightly regulated by the State of Alaska's drawing permit system. A specific number of permits are available each season for resident and nonresident hunters. A limited number of federal permits (11) are available for subsistence use, with an average harvest of three bears each year. Guides use a variety of strategies to minimize conflicts with other hunters, including basing their operations on private land, using less desirable camping locations, or backpacking camps into more remote parts of hunt areas. Guided hunts for waterfowl, ptarmigan, and small game have similar patterns of Refuge use.

Big-game guides also may target deer and mountain goats, the latter being an introduced species that is rapidly expanding its range on Kodiak Island. Maximum harvest quotas are established for each hunt area for mountain goats and brown bears to maintain population objectives. State hunting regulations favor harvest of male bears to protect breeding females. No harvest quotas are established for deer by the Service because weather, not hunting, is the primary limiting factor on deer populations.

Refuge officers and State Troopers routinely patrol the Refuge during the relatively short big-game hunting seasons.

A majority of the guides access the Refuge by landing on saltwater, lakes, and rivers with float-equipped aircraft or by boats, thus minimizing impacts on Refuge habitat. A potential impact or threat associated with floatplane access is the introduction of invasive species carried on the aircraft floats, although it is not known to have occurred on the Kodiak Archipelago to date. Temporary displacement and/or disturbance to wildlife can occur during takeoffs and approaches to landings. There may be occasional disturbance of wildlife along coastal areas used by boats. There are no known long-term impacts to Refuge wildlife populations from this disturbance.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination. However, the State of Alaska noted during a meeting that there were inconsistencies in some of the special conditions for special use permits. These inconsistencies were corrected.

Determination

_____ Use is Not Compatible

X Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Revision of the public use management plan will be used to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of wildlife-dependent recreation and other compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Permit special conditions currently limiting access to nine bear concentration areas will be replaced by special conditions developed through the step-down planning process outlined in the final revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan.

Regional Special Conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee's employees do not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- The permittee or party chief shall notify the Refuge Manager during Refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) name and method of contact for the field party chief/supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of crew members, and (2) any changes in information provided in the original permit application.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge with (1) a copy of current business license and guide-outfitter license; (2) proof of comprehensive general liability insurance, listing Kodiak National Wildlife Refuge as additionally insured, (\$300,000 each occurrence, \$500,000 aggregate for guides/outfitters) covering all aspects of operations throughout the annual use period; (3) changes in names of assistant guides and other employees; (4) copies of CPR and First Aid cards for permittee and all

personnel that will operate on the Refuge; and (5) any changes in information provided for the original special use permit proposed operations plan.

- The permittee is responsible for accurate record keeping and shall provide the Refuge Manager with a comprehensive summary report of the number of clients, number of client days per activity type and locations by December 31 for all uses during that calendar year, unless stated otherwise in the permit. The permittee shall provide this information on a Hunting Activity Report form provided with the special use permit. A legible copy of the state's "Hunt Record" for each client will be required in addition to the summary report.
- A nonrefundable administrative fee will be assessed prior to issuing this permit. The permittee shall provide the Refuge Manager client-use information on a form provided with the special use permit at the end of the calendar year. Client use day fee for bear hunters, deer hunters and goat hunters will be assessed. Client use fees are adjusted by the Regional Office every three years based on the Implicit Price Deflator Index (PDI). A client use day is defined as one calendar day (24 hours), or portion thereof, for each client using the Refuge.
- Failure to report the actual number of client use days per type of authorized activity by December 31 of each calendar year and annually paying the Service's established fees (client use day and reserved land site) within 30 days after receiving a bill for collection will be grounds for revocation of this permit.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee except for cabins and tent frames is to be removed from Refuge lands upon completion of permitted activities.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- The use of helicopters is prohibited.
- Unauthorized caches of fuel or other supplies are prohibited. Fuel storage, if any, will be as outlined in the operations plan and in compliance with regional Service fuel storage policy.
- Construction of cabins or other permanent structures is prohibited.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the party leader's possession at all times while exercising the privileges of the permit.

- Cabins on Refuge lands shall not be used by the permittee without the permission of the Refuge Manager except in cases of dire emergency for survival purposes.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- The permittee or his or her designated assistant must accompany clients while on the Refuge. Permittee or assistant must be present within the permit area while clients are engaged in activities authorized under this permit. Permittees with more than one permit area must be present within one of the Kodiak National Wildlife Refuge areas in which they are authorized to operate.
- Closed and Limited Access Areas—An area approximately 2,560 acres near the outlet of the O'Malley River, as described in 50 CFR 36.39 (j)(1), is closed to all public access, occupancy, and use (general and commercial) from June 25 through September 30 annually.
- The following areas are currently closed seasonally to commercial use:
 - Connecticut Creek (July 15–August 31)
 - Humpy Creek (July 15–September 15)
 - Seven Rivers (July 15–September 15)
 - Lower Dog Salmon Falls (June 25–August 31)
- The following areas are currently restricted seasonally to day use only by commercial users:
 - Red Lake River and shoreline (July 1–August 31)
 - Upper Thumb River (July 1–August 31)
 - Southeast Creek (Red Lake) (July 15–August 31)
 - Little River Lakeshore (July 15–August 31)
 - Deadman Bay Creek (August 15–September 30)
- Following are the special conditions for operations on the Ayakulik River effective May 25 through July 15:
 - Over fly the area of intended landing to check for floaters and other aircraft.
 - Announce your position and intention, for takeoff/landing or transit of the area, on CTAF 122.8.
 - Slow (displacement) taxi only, no step taxi.
 - No takeoff or landing on the four designated corners. (See attached map.)
 - Unless the wind creates a safety hazard or makes operations impossible, the area downstream from easternmost designated corner is restricted to landings and displacement taxi only. Avoid the lower area for takeoff or landing.
 - Please advise your clients that airplanes are necessary for the Ayakulik recreational fishery, but there are hazards to both anglers and airplanes. Everyone involved needs to be cautious, courteous, and respectful of other users on the river and the resource.
- All aircraft being used in commercial operations must have 12-inch identification numbers in contrasting colors, which are readily visible.
- Motorboat operators must possess U.S. Coast Guard (USCG) licenses for all passenger-carrying operations, if required by USCG regulations.

- Any action by a permittee or the permittee's employees that unduly interferes with or harasses other Refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to, low flights over camps or persons at less than 500 feet (unless landing) and parking aircraft or placing other objects on any landable area to restrict use by other aircraft or persons.
- The permittee's operations plan and the attached synopsis, as amended and accepted by the U.S. Fish and Wildlife Service, are hereby incorporated in their entirety as a special condition. All deviations from the operations plan and synopsis must receive prior written approval by the Refuge Manager or his/her designee.
- No long-term tent camps are permitted on Refuge lands without permission of the Refuge Manager. Overnight hunting camps may be maintained in one location for not more than 15 days during any 30-day period and must be completely removed at the end of each camping period. All commercial tent camps must be located at least three miles from other commercial camps and must be moved at least three miles following each use period. All camps must be located at least one mile from any Refuge public use cabin.
- Fixed tent platforms are prohibited. Wall tents with floors that are completely removed from the Refuge at the end of the permit period are allowed.
- Maximum overnight camp size will be six people, including guides and assistants. The Refuge Manager may restrict use and duration of some sites for overnight camping to prevent resource problems or conflicts.
- The permittee may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other guide.
- Access on Alaska Maritime NWR islands, rocks, and spires adjacent to Kodiak NWR is allowed for glassing or scoping of game and wildlife viewing. Access is restricted to day use only, colonies of nesting birds must be avoided, and any foot travel must be performed in a manner to avoid damage of ground-nest sites.
- This special use permit specifically does not authorize the following:
 - Construction of blinds, stands or any other structures
 - Baiting, feeding, harassing, herding, or any other activity that changes, or attempts to change, normal behavior, this includes but is not limited to bears, fox, deer, and eagles
 - Any other types of commercially guided activities as described in attachment (a) Refuge Guide and Other Visitor Service Definitions.
- Additions or alterations to existing structures and construction of new facilities must have the Refuge Manager's prior approval in writing.
- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.

Justification

Recreational hunting has been found to be compatible with the purposes of Kodiak Refuge and with the National Wildlife Refuge System mission. Commercial big-game guiding and outfitting services are a form of traditional activity that Congress intended to preserve with enactment of the Alaska National Interest Lands Conservation Act, which redesignated the Refuge. These services support not only hunting, but also other activities, including wildlife observation and photography; these are three of the priority public uses of national wildlife refuges. Most non-Alaska residents would not be able to hunt brown bears on Kodiak Refuge if guiding were not allowed.

Commercial hunting guides also provide the public with high-quality, safe, and unique recreational hunting opportunities found few places in the world. These visitor services are a valuable benefit to a segment of the American public that is not physically able to, not comfortable with, or for other reasons chooses not to participate in unguided hunts on the Refuge.

Requirements placed on recreational hunting guides by the Service through the original selection process and the terms of their special use permits and regulations of the State of Alaska ensure that these commercial operators provide safe, high-quality experiences for their clients. These operations can help the Refuge achieve its purposes of protecting fish and wildlife resources of the Refuge and meeting legal requirements to provide compatible opportunities for the public to use and enjoy these resources.

"According to a 2003 analysis conducted by the Institute for Social and Economic Research at the University of Alaska Anchorage, recreational hunting on Kodiak Refuge contributes about \$678,000 in payroll and 25 average annual jobs to the Alaska economy each year. Average annual jobs are calculated by dividing payroll by the average annual pay for a job related to the hunting industry (guiding and support services). Due to the seasonal nature of hunting, the number of jobs during peak periods is much greater than the annual average. Payroll figures are based on Refuge visitor numbers and estimated expenditures; they do not include hunting activities that occur outside the Refuge, although those activities may partially depend on Refuge wildlife and habitat resources."

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /

Project Leader Approval:

LESLIE KERN

(Signature)

2-17-2006

(Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

T. J. Joy

(Signature)

2/17/06

(Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Commercially Guided Recreational Fishing Services

Primary Use: Fishing (guiding and outfitting)

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), interpretation (not conducted by refuge staff or authorized agents), hunting (upland-game), hunting (waterfowl), hunting (other), plant gathering, rock collecting, natural resource collecting, camping, hiking and backpacking, pets, photography, video, filming, or audio recording (nonwildlife-dependent, recreational—other), swimming and beach use, outdoor recreation (other), photography (wildlife), wildlife observation (guiding or outfitting), fixed-wing aircraft, tree harvest (firewood)

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This compatibility determination addresses the full spectrum of uses associated with commercially guided recreational fishing. This includes all means of access, lodging and facilities, and other elements identified in the guides' operations plans. Commercial fishing guides target five species of Pacific salmon, rainbow trout, steelhead, Dolly Varden, and Arctic char on the Refuge. This activity predates Refuge establishment and has been authorized on the Refuge since it was established in 1941. Other commercial uses conducted concurrently and incidental to guided recreational fishing are routinely authorized. These include wildlife viewing, photography, guided small game and waterfowl hunting, hiking, river floating, camping, and related activities. Commercially guided recreational fishing and related services contribute to fulfillment of Refuge purposes and the National Wildlife Refuge System mission by facilitating priority public use and management of healthy fish populations through managed fishing.

The compatibility of recreational fishing on Kodiak Refuge is evaluated in a separate compatibility determination. Means of authorized access include fixed-wing airplanes, motorboats, nonpowered boats, and hiking. Guided recreational fishing occurs spring through fall. Recreational fishing is managed under State of Alaska fishing regulations on the Refuge.

Of the 117 drainages on the Refuge, 11 could be classified as having excellent recreational fishing opportunities, based on reasonable accessibility by float plane or boat, and populations of anadromous and/or resident fish. Although all these drainages provide opportunities for day use and overnight primitive camping, cost of traveling to these areas for day use fishing is prohibitive for most visitors unless they are staying at a remote lodge providing this service. All 11 drainages provide opportunities for coho salmon fishing; however, only the Ayakulik and Karluk rivers support chinook and substantial numbers of steelhead. Although smaller populations of steelhead exist on some of the other rivers, very little fishing effort has occurred on these rivers.

Chinook salmon fishing usually starts in late May, and the run is typically over by July 10. Although fish are present in the systems through mid-August or later, there is a general closure to angling for chinook by regulation on July 25 to protect spawners. Steelhead usually start entering river systems in late August, and their numbers peak in late October, although it is suspected that some fish continue to enter the rivers into early spring of the next year. Fishing for steelhead and resident rainbow in flowing fresh water has historically been closed by regulation from April 1 through June 14 to protect spawners. The Board of Fisheries recently opened a catch-and-release steelhead season on portions of the Karluk and Ayakulik rivers during this time period. Coho enter the drainages from mid- to late-August and usually peak near the end of September. Recreational fishing for coho is usually good through early October in most systems. Fishing for Dolly Varden and Arctic char can be found year-round, depending on which river system is targeted.

Recreational fishing guides under permit from the Refuge may operate from a temporary camp on a river or from one of the remote lodges located on private lands adjacent to the Refuge. Until 2001, 24 recreational fishing guides—the maximum number allowed since the 1980s—operated under special use permits on the Refuge, offering both day and

overnight trips for clients. In 2001, the number of recreational fishing guiding permits issued peaked when 36 were awarded.

In 2001, the Refuge implemented a prospectus system for awarding permits to recreational fishing guiding businesses in four drainages: the Dog Salmon, Ayakulik, Uganik, and Little River. Outside of these four drainages, there is no limit on the number of recreational fishing guides. Each fishing guide can have overnight camps on only two river systems, and no more than two overnight camps are allowed per drainage for all commercial activities by all guides. Guides are authorized to use any Refuge drainage not under prospectus, but are restricted to a group of six people for each trip (including guide and cook, if any). Each guide must submit a year-end report to the Refuge identifying the number of clients guided, the location(s) of fishing activities, and the number of fish caught by species.

Recreational fishing, both guided and unguided, currently accounts for slightly more than one-third of overall annual public use on the Refuge. Guided recreational fishing is about half that use. From 1997 through 2003, an average of 1,743 guided recreational fishing use days annually occurred, with peak use of 2,272 guided use days in 1999 and a seven-year low of 1,380 guided use days in 2002. Despite anecdotal evidence of fishing-use increases in selected areas, it appears that total use has been relatively stable for some time. According to Schwarz and Clapsadl, estimated overall (including off-Refuge lands) Kodiak recreational fishing effort in 1997 was similar to the previous 10-year average (Schwarz and Clapsadl 2000).

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage recreational fish commercial guiding activities at current and projected levels. Administrative staff time primarily involves issuing permits, ensuring that licenses and certifications are current, collecting client use day fees, and entering activity data into a database for analysis. Fieldwork associated with administering the program primarily involves monitoring the permittees' compliance with the terms of the permits.

Refuge staff time to annually administer and monitor these permits is 9.0 months. Transportation and other operational costs, including a field camp on the Ayakulik River for monitoring, is about \$30,000 per year. A nonrefundable administrative fee is assessed when each permit is issued. In addition, a client use fee is assessed for each day a guide has a client on the Refuge. Fees collected are deposited into the general fund and are not returned to the Refuge.

Anticipated Impacts of the Use

Both the Federal Subsistence Board and State Board of Fisheries regularly adopt regulations in response to fish population levels and to address issues of fishery allocation. The opportunity for continued subsistence uses of fishery resources by local residents receives the highest priority from the Federal Subsistence Board. Regulations have been implemented in recent years to address resource concerns at specific locations on or near the Refuge.

The estimated guided recreational harvest of these fish is well within the limits established in various management plans. Past impact evaluations have focused on

impacts to the brown bear population. There has been one documented defense-of-life-or-property bear kill by a sport fish guide on the Refuge.

A majority of the guides access the Refuge by landing on lakes and rivers with float-equipped aircraft, thus minimizing impacts on Refuge habitat. A potential impact or threat associated with floatplane access is the introduction of invasive species carried on the aircraft floats, although it is not known to have occurred on the Kodiak Archipelago to date. Temporary displacement and/or disturbance to wildlife can occur during take-offs and approaches to landings. There are no known long-term impacts to Refuge wildlife populations from this disturbance.

Refuge officers and State Troopers routinely patrol the Refuge to monitor compliance with state regulations and permit conditions.

Public Review and Comment

Public comment was solicited concurrently with revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination. However, the State of Alaska noted during a meeting that there were inconsistencies in some of the special conditions for special use permits. These inconsistencies were corrected.

Determination

_____ Use is Not Compatible

X Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Revision of the public use management plan will be used to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of wildlife-dependent recreation and other compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Permit special conditions currently limiting access to nine bear concentration areas will be replaced by special conditions developed through the step-down planning process outlined in the final revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons

working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.

- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee's employees do not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- The permittee or party chief shall notify the Refuge Manager during Refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) name and method of contact for the field party chief/supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of crew members, and (2) any changes in information provided in the original permit application.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge with (1) a copy of current business license; (2) proof of comprehensive general liability insurance, listing Kodiak National Wildlife Refuge as additionally insured, (\$300,000 each occurrence, \$500,000 aggregate for guides/outfitters) covering all aspects of operations throughout the annual use period; (3) changes in names of assistant guides and other employees; (4) copies of CPR and First Aid cards for permittee and all personnel that will operate on the Refuge; and (5) any changes in information provided for the original special use permit proposed operations plan.
- The permittee is responsible for accurate record keeping and shall provide the Refuge Manager with a comprehensive summary report of location, numbers of clients, dates, and numbers of fish caught (released and kept) by January 15 for all uses during that calendar year, unless stated otherwise in the permit. An annual nonrefundable administrative fee will be assessed prior issuing this permit. In addition, a client use day fee will be assessed at the end of the calendar year based on the permittee's use report. Client use fees are adjusted by the Regional Office every three years based on the Implicit Price Deflator Index (PDI). The permittee shall provide this information on a Fishing Activity Report form provided with the special use permit. A legible copy of the state's "Fishing Log" for each client may be required in addition to the summary report. For law enforcement purposes, the permittee may be required to provide names and addresses of clients. Failure to submit required reports and payments could result in the issuance of citations and revocation of the permit.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are

prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.

- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee except for cabins and tent frames is to be removed from Refuge lands upon completion of permitted activities.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- The use of helicopters is prohibited.
- Unauthorized caches of fuel or other supplies are prohibited. Fuel storage, if any, will be as outlined in the operations plan and in compliance with regional Service fuel storage policy.
- Construction of cabins or other permanent structures is prohibited.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the party leader's possession at all times while exercising the privileges of the permit.
- Cabins on Refuge lands shall not be used by the permittee without the permission of the Refuge Manager except in cases of dire emergency for survival purposes.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- The permittee or his or her designated assistant must accompany clients while on the Refuge. Permittee or assistant must be present within the permit area while clients are engaged in activities authorized under this permit. Permittees with more than one permit area must be present within one of the Kodiak National Wildlife Refuge areas in which they are authorized to operate.

- Closed and Limited Access Areas—An area approximately 2,560 acres near the outlet of the O'Malley River, as described in 50 CFR 36.39 (j)(1), is closed to all public access, occupancy, and use (general and commercial) from June 25 through September 30 annually.
- The following areas are currently closed seasonally to commercial use:
 - Connecticut Creek (July 15–August 31)
 - Humpy Creek (July 15–September 15)
 - Seven Rivers (July 15–September 15)
 - Lower Dog Salmon Falls (June 25–August 31)
- The following areas are currently restricted seasonally to day use only by commercial users:
 - Red Lake River and shoreline (July 1–August 31)
 - Upper Thumb River (July 1–August 31)
 - Southeast Creek (Red Lake) (July 15–August 31)
 - Little River Lakeshore (July 15–August 31)
 - Deadman Bay Creek (August 15–September 30)
- Following are the special conditions for operations on the Ayakulik River effective May 25 through July 15:
 - Over fly the area of intended landing to check for floaters and other aircraft.
 - Announce your position and intention, for takeoff/landing or transit of the area, on CTAF 122.8.
 - Slow (displacement) taxi only, no step taxi.
 - No takeoff or landing on the four designated corners. (See attached map.)
 - Unless the wind creates a safety hazard or makes operations impossible, the area downstream from easternmost designated corner is restricted to landings and displacement taxi only. Avoid the lower area for takeoff or landing.
 - Please advise your clients that airplanes are necessary for the Ayakulik recreational fishery, but there are hazards to both anglers and airplanes. Everyone involved needs to be cautious, courteous, and respectful of other users on the river and the resource.
- All aircraft being used in commercial operations must have 12-inch identification numbers in contrasting colors, which are readily visible.
- Motorboat operators must possess U.S. Coast Guard (USCG) licenses for all passenger-carrying operations, if required by USCG regulations.
- The permittee's operations plan and the attached synopsis, as amended and accepted by the U.S. Fish and Wildlife Service, are hereby incorporated in their entirety as a special condition. All deviations from the operations plan and synopsis must receive prior written approval by the Refuge Manager or his/her designee. OR
- The permittee's operations plan, as amended and accepted by the U.S. Fish and Wildlife Service, are hereby incorporated in their entirety as a special condition. All deviations from the operations plan must receive prior written approval by the Refuge Manager or his/her designee.
- Any action by a permittee or the permittee's employees that unduly interferes with or

harasses other Refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to, low flights over camps or persons at less than 500 feet (unless landing) and parking aircraft or placing other objects on any landable area to restrict use by other aircraft or persons.

- Fixed tent platforms are prohibited. Wall tents with floors that are completely removed from the Refuge at the end of the permit period are allowed.
- Permittee is limited to one (1) overnight guide camp in each of a maximum of two (2) drainages specified for overnight use on the face of the permit. Concurrent possession of more than one Refuge recreational fishing permit does not increase this limit. Any additional overnight camping must be approved in writing by the Refuge Manager. All guide camps must be located at least one (1) mile from other guide camps or Refuge public use cabins and must be completely removed after use. No more than two operators will be permitted to set up overnight camps on a given drainage at a given time.
- The permittee may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other guide.
- Maximum overnight camp size will be six people, including guides and assistants. The Refuge Manager may restrict use and duration of some sites for overnight camping to prevent resource problems or conflicts.
- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.
- This special use permit specifically does not authorize the following:
 - Construction of blinds, stands or any other structures
 - Baiting, feeding, harassing, herding, or any other activity that changes, or attempts to change, normal behavior, this includes but is not limited to bears, fox, deer, and eagles
 - Any other types of commercially guided activities as described in attachment (a) Refuge Guide and Other Visitor Service Definitions.
- Operations are allowed on the Ayakulik River, Little River, Frazer lake/Dog Salmon River and the Uganik Lake/Lower Uganik drainages only by guides awarded permits through the prospectus system.

Justification

Commercially guided fishing services are a form of traditional activity that Congress intended to preserve with enactment of the Alaska National Interest Lands Conservation Act, which redesignated the Refuge. Guides support not only angling, but also other activities, including wildlife observation and photography, all of which the National Wildlife Refuge System Administration Act of 1966 (as amended by the Refuge Improvement Act) identifies as priority public uses. Recreational fishing guiding operations on the Refuge provide the public with high-quality, safe, and unique recreational fishing opportunities found few places in the world. These visitor services are a valuable benefit to a segment of the public that is either not physically able to, not comfortable with, or for other reasons chooses not to participate in unguided fishing trips on the Refuge.

Recreational fishing has been found compatible with Refuge purposes and is one of the priority public uses of national wildlife refuges. Guides help facilitate public participation

in this activity. Guides and their clients are much more tightly regulated and monitored than unguided anglers. Therefore, their activities are even less likely to cause problems with Refuge resources and other visitors than those of the general, unguided public visiting the Refuge.

Supporting Documents

- Schwarz, L., and M. Clapsdahl. 2000. "1997 and 1998 area management report for the recreational fisheries of the Kodiak and Alaska Peninsula/Aleutian Islands regulatory areas." Fishery Management Report. No. 00-1. Anchorage, Alaska: Alaska Department of Fish and Game Division of Sport Fish.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /

Project Leader Approval:

UBSUS KBYM

(Signature)

2-17-2006

(Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

[Signature]

(Signature)

2/17/06

(Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Commercially Guided Wildlife Viewing, Photography, Environmental Education, and Interpretation.

Primary Use: Environmental education (not conducted by refuge staff or authorized agents), interpretation (not conducted by refuge staff or authorized agents), photography (wildlife), and wildlife observation (guiding or outfitting).

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), plant gathering, natural resource collecting, camping, cross-country skiing, dog training (including field trials), dog sledding and ski touring, hiking and backpacking, pets, photography, snowshoeing, swimming and beach use, outdoor recreation (other), fixed-wing aircraft, tree harvest (firewood).

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United

States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates the following commercially guided wildlife-dependent activities: wildlife viewing, wildlife photography, environmental education, and interpretation when they are provided as separate services from guided hunting or recreational fishing. Compatibility of guided hunting and fishing is evaluated separately. Associated activities such as camping, backpacking, hiking, and other incidental uses are considered part of these wildlife-dependent activities for the purposes of this evaluation. These activities primarily occur during summer and early fall.

Over the last several years, the total number of wildlife viewing use days has been fairly stable, ranging from 1,207 in 2000 to 865 in 2001. The mix of guided and unguided use within this total has varied substantially, with guided use being two to five times the amount of unguided use. The number of permits issued for wildlife viewing and photography guides is not limited and has increased steadily from five in 1990 to 20 in 2000 and 25 in 2001. There is no upper limit on the number of permits that can be issued. Most of the permits that are issued are for day use. Not all of these permits are used; recent interest may have been spurred by the plan revision process, with some businesses wanting to get a “foot in the door” in case permits became limited later.

Currently, an applicant submits an operations plan, and it is reviewed by the staff for potential conflicts with Refuge purposes or other users. If there is no apparent problem, the operations plan is made part of the special conditions, and the permit is issued.

Commercially guided viewing is offered by a range of air-taxi, lodge, and marine transport services. Air-taxi operators offer single-day trips—which may combine aerial viewing, landing, and hiking to a viewing site—while lodge operators offer a multi-day, multi-purpose venue, which often includes guided bear viewing. Most guided, walk-in viewing is a site- and time-specific group venture.

Many of the lodges on Kodiak Island conduct bear viewing as part of their operations, but usually in conjunction with other activities such as recreational fishing or other wildlife viewing. Some lodges offer bear viewing exclusively during times of the year when other activities such as hunting are not available. Guides typically seek to provide small groups of clients (two to six people) a wildland experience in which the clients have the opportunity to go unnoticed by bears as they watch and photograph them in their natural habitat. Most viewing is done at locations relatively close to the lodge and accessible by boat ride (usually a skiff, although some operators use sea kayaks) and possibly a one- or two-mile hike. Viewing at these areas is usually dictated by timing of salmon migrations, which cause the bears to gather at predictable locations, and the huge tidal fluctuations in the long narrow bays of Kodiak Island, which determine when and for how long an outing can last.

Some operators do not limit their bear viewing to Kodiak Island; they also use areas of the Katmai coast to provide additional viewing opportunities, especially earlier in the season. Lodges provide a range of wildlife-viewing opportunities over the course of several days. Lodge visits may involve a short hike up one of Kodiak’s coastal rivers, a boat ride to one of numerous bays, a floatplane ride to Frazer Lake, watching marine

mammals and other marine wildlife, or, quite possibly, many or all of these activities over a three- to five-day visit. Most visitors to Kodiak Island desire to see a brown bear; no matter what type of trip they come for, a bear sighting is almost always an added benefit.

Air charters typically take clients to different areas during different times of year, depending on where bears are congregated. Information from other pilots can be a critical decision-making factor when the weather is flyable to more than one location. Viewing is typically better along the Katmai coast during May and June when bears are feeding in sedge meadows and along mud flats before the annual salmon migration begins.

Once the salmon start to arrive, viewing improves on Kodiak Island in late July, August and into September as bears congregate at places like Karluk Lake and Frazer fish pass, which is easily accessible by float plane and a three-quarter-mile hike. One guide said it was nice to have an “ace in the hole” like Frazer where bears can be dependably seen. While these operators take small groups of two to six people, it is common to see other groups at these locations. A limited number of locations are readily accessible by floatplane, unaffected by tides, and provide consistent chances of seeing bears.

Many people interviewed as part of a bear-viewing assessment conducted by the Service (Allen and Collins 2002) thought that people who have experience with areas such as Brooks Camp, McNeil River, and Pack Creek tend to seek out and prefer more primitive types of experiences offered at other areas such as the Katmai coast and Kodiak Island. Several operators on Kodiak commented that people who do not know what to expect, or have preconceptions of an experience similar to McNeil River or Brooks Camp, are very satisfied with the experience they do have and appreciate the fact that it is not the same type of bear viewing they might find at other places.

Over the life of the revised conservation plan (approximately 15 years), overall visitor use is expected to increase 20 percent to 30 percent, and some shifts in type of use and users may also occur. On Kodiak Refuge, it is anticipated that wildlife viewing will increase as a proportion of total recreation use days, and nonresidents will constitute a larger proportion of the visitor population than they do today.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage wildlife-dependent recreational activities at present levels. Administrative staff time primarily involves phone conversations, written correspondence, public use surveys, and interaction with visitors at the visitor center. As use increases, and there are demands to offer access to some areas currently closed administratively to commercial access, needs for staffing and funding will increase. Step-down planning processes, including intensive public involvement, are called for in the conservation plan prior to opening any of these areas. Such plans require staff time to develop, implement, and monitor, including biological monitoring to ensure compatibility of recreational use with Refuge purposes. These additional activities can be undertaken only as addition of staff and funding allows. Some minimal level of increase may be possible with out increases in staff and funding.

There is also additional work entering activity data into a database for analysis. At present, fieldwork associated with administering the program primarily involves conducting patrols to increase visitor compliance with state and federal regulations and

to foster respect for local residents' activities and property. As use increases and/or additional areas are opened for use, biological monitoring will be required with associated needs for funding and staffing.

Refuge staff time to annually administer and monitor these commercial permits is three months. Transportation and other operational costs for monitoring is about \$5,000 per year. A nonrefundable administrative fee is assessed when each commercial permit is issued. In addition, a client use fee is assessed for each day a guide has a client on the Refuge. Fees collected are deposited into the general fund and are not returned to the Refuge.

Anticipated Impacts of the Use

Adverse impacts to Refuge wildlife and habitats associated with these priority public uses and associated uses are evaluated in the environmental impact statement for the revised Kodiak Refuge conservation plan. Negligible impacts to Refuge habitats from disturbance or introduction of invasive plants are anticipated. Possible localized adverse impacts to some bird species and brown bears have been documented, but the proposed plan would not have any long-term population level impacts on Refuge wildlife. Positive effects on the local economy, though small, are anticipated from these uses.

Implementation of access and bear-viewing management would initially affect bears at concentration areas newly opened to managed bear viewing and other public uses. This use would disturb and displace unhabituated bears, resulting in a measurable short-term decline in bear use levels, despite application of seasonal area-use guidelines and restrictions. Recovery to current bear-use levels would be expected possibly by year two or three, and probably by year four (Barnes 2004), as most bears habituated to nonthreatening, consistent, and predictable visitor activity.

The step-down planning process called for in the conservation plan will be used to establish any additional opportunities for wildlife viewing and photography in sensitive locations. It would minimize adverse impacts, especially those associated with brown bear viewing and photography.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination. However, the State of Alaska noted during a meeting that there were inconsistencies in some of the special conditions for special use permits. These inconsistencies were corrected.

Determination

☐ Use is Not Compatible

☒ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Revision of the public use management plan will be used to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of wildlife-dependent recreation and other compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Permit special conditions currently limiting access to nine bear concentration areas will be replaced by special conditions developed through the step-down planning process outlined in the final revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee's employees do not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- The permittee or party chief shall notify the Refuge Manager during Refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) name and method of contact for the field party chief/supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of crew members, and (2) any changes in information provided in the original permit application.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge with (1) a copy of current business license; (2) proof of comprehensive general liability insurance, listing Kodiak National Wildlife Refuge as additionally insured, (\$300,000 each occurrence, \$500,000 aggregate for guides/outfitters) covering all aspects of operations throughout the annual use period; (3) changes in names of assistant guides and

other employees; (4) copies of CPR and First Aid cards for permittee and all personnel that will operate on the Refuge; and (5) any changes in information provided for the original special use permit proposed operations plan.

- The permittee is responsible for accurate record keeping and shall provide the Refuge Manager with a comprehensive summary of location, numbers of clients, and number of client days by January 15 for all uses during the calendar year, unless stated otherwise in the permit. The permittee shall provide the Refuge Manager with this information on the form provided with the special use permit. An annual nonrefundable administrative fee will be assessed prior issuing this permit. In addition, a client use day will be assessed at the end of the calendar year based on the permittee's use report. Client use fees are adjusted by the Regional Office every three years based on the Implicit Price Deflator Index (PDI). For law enforcement purposes, the permittee may be required to provide names and addresses of clients. Failure to submit required reports and payments could result in the issuance of citations and revocation of the permit.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee except for cabins and tent frames is to be removed from Refuge lands upon completion of permitted activities.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- The use of helicopters is prohibited.
- Unauthorized fuel caches are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.
- Construction of cabins or other permanent structures is prohibited.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the party leader's possession at all times while exercising the privileges of the permit.

- Cabins on Refuge lands shall not be used by the permittee without the permission of the Refuge Manager except in cases of dire emergency for survival purposes.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- The permittee or his or her designated assistant must accompany clients while on the Refuge. Permittee or assistant must be present within the permit area while clients are engaged in activities authorized under this permit. Permittees with more than one permit area must be present within one of the Kodiak National Wildlife Refuge areas in which they are authorized to operate.
- Closed and Limited Access Areas—An area approximately 2,560 acres near the outlet of the O'Malley River, as described in 50 CFR 36.39 (j)(1), is closed to all public access, occupancy, and use (general and commercial) from June 25 through September 30 annually.
- The following areas are currently closed seasonally to commercial use:
 - Connecticut Creek (July 15–August 31)
 - Humpy Creek (July 15–September 15)
 - Seven Rivers (July 15–September 15)
 - Lower Dog Salmon Falls (June 25–August 31)
- The following areas are currently restricted seasonally to day use only by commercial users:
 - Red Lake River and shoreline (July 1–August 31)
 - Upper Thumb River (July 1–August 31)
 - Southeast Creek (Red Lake) (July 15–August 31)
 - Little River Lakeshore (July 15–August 31)
 - Deadman Bay Creek (August 15–September 30)
- Following are the special conditions for operations on the Ayakulik River effective May 25 through July 15:
 - Over fly the area of intended landing to check for floaters and other aircraft.
 - Announce your position and intention, for takeoff/landing or transit of the area, on CTAF 122.8.
 - Slow (displacement) taxi only, no step taxi.
 - No takeoff or landing on the four designated corners. (See attached map.)
 - Unless the wind creates a safety hazard or makes operations impossible, the area downstream from easternmost designated corner is restricted to landings and displacement taxi only. Avoid the lower area for takeoff or landing.
 - Please advise your clients that airplanes are necessary for the Ayakulik recreational fishery, but there are hazards to both anglers and airplanes. Everyone

- involved needs to be cautious, courteous, and respectful of other users on the river and the resource.
- Guided viewing at the Frazer Lake fish pass site:
 - Access to the marked fish pass wildlife-viewing area will be along the ADF&G trail from the lake and the trail around the base of the ADF&G compound.
 - Wildlife viewing will be conducted from the marked viewing area only.
 - Food and/or flavored drinks will not be transported to, or consumed at, the wildlife-viewing area.
 - Clients will use the designated toilet area near the lake landing whenever possible.
 - All aircraft being used in commercial operations must have 12-inch identification numbers in contrasting colors, which are readily visible.
 - Motorboat operators must possess U.S. Coast Guard (USCG) licenses for all passenger-carrying operations, if required by USCG regulations.
 - Any action by a permittee or the permittee's employees that unduly interferes with or harasses other Refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to, low flights over camps or persons at less than 500 feet (unless landing) and parking aircraft or placing other objects on any landable area to restrict use by other aircraft or persons.
 - The permittee's operations plan, as amended and accepted by the U.S. Fish and Wildlife Service, are hereby incorporated in their entirety as a special condition.
 - Permittee is limited to one (1) overnight guide camp in each of a maximum of two (2) drainages specified for overnight use on the face of the permit. Concurrent possession of a Refuge recreational fishing permit does not increase this limit. Any additional overnight camping must be approved in writing by the Refuge Manager. All guide camps must be located at least one (1) mile from other guide camps or Refuge public use cabins and must be completely removed after use. No more than two operators will be permitted to set up overnight camps on a given drainage at a given time.
 - Fixed tent platforms are prohibited. Wall tents with floors that are completely removed from the Refuge at the end of the permit period are allowed.
 - The permittee may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other guide.
 - Maximum overnight camp size will be six people, including guides and assistants. The Refuge Manager may restrict use and duration of some sites for overnight camping to prevent resource problems or conflicts.
 - Access on Alaska Maritime NWR islands, rocks, and spires adjacent to Kodiak NWR is allowed for wildlife viewing. Access is restricted to day use only, colonies of nesting birds must be avoided, and any foot travel must be performed in a manner to avoid damage of ground-nest sites.
 - The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.
 - This special use permit specifically does not authorize the following:
 - Construction of blinds, stands or any other structures

- Baiting, feeding, harassing, herding, or any other activity that changes, or attempts to change, normal behavior, this includes but is not limited to bears, fox, deer, and eagles
- Any other types of commercially guided activities as described in attachment (a) Refuge Guide and Other Visitor Service Definitions.

Justification

The National Wildlife Refuge System Administration Act (as amended by the Refuge Improvement Act) identifies compatible wildlife observation, photography, environmental education, and interpretation as four of six priority public uses of national wildlife refuges. The law states that, when managed in accordance with principles of sound fish and wildlife management, administration of these uses has been and is expected to continue to be generally compatible and that that priority public uses should receive enhanced consideration over other general public uses in refuge planning and management.

Conditions imposed in the special use permits of guides ensure that these wildlife-dependent activities can occur without adverse effects to Refuge resources, other visitors, or subsistence activities. Permitted guides facilitate public use and enjoyment of these activities while protecting Refuge resources.

Supporting Documents

- Allen, S., and A. Collins. 2002. "An assessment of bear-viewing opportunities relevant to management of Kodiak National Wildlife Refuge." Unpublished report. Anchorage, Alaska: U.S. Fish & Wildlife Service. 77 pp.
- Barnes, V.G. 2004. Personal communication with Bill Pyle, March 9, 2004, about effects of preferred alternative of revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan on brown bears.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /
Project Leader Approval: LESLIE KEMM 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System: [Signature] 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
☐ Categorical Exclusions and Environmental Action Memorandum
☐ Environmental Assessment and Finding of No Significant Impact
☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Commercial Transporter Services

Primary Use: Other uses

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), environmental education (not conducted by refuge staff or authorized agents), environmental education (other), interpretation (not conducted by refuge staff or authorized agents), fishing (general), fishing (guiding and outfitting), fishing (other), hunting (big game), hunting (big-game guiding and outfitting), hunting (other migratory birds), hunting (upland game), hunting (upland game—guiding and outfitting), hunting (waterfowl), hunting (waterfowl—guiding and outfitting), hunting (other), hunting (other—guiding and outfitting), plant gathering, trapping, natural resource collecting, camping, cross-country skiing, dog sledding and ski touring, hiking and backpacking, pets, photography, video, filming, or audio recording (nonwildlife-dependent, recreational—other), snowshoeing, swimming and beach use, outdoor recreation (other), research, scientific collecting, surveys, fishing (subsistence), gathering (subsistence), hunting (subsistence), trapping (subsistence), subsistence (other), photography (wildlife), wildlife observation, wildlife observation (guiding or outfitting), fixed-wing aircraft, photography, video or filming or audio recording (commercial), photography, video or filming or audio recording (news and education), residential, uses (other).

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and

- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

Kodiak Refuge is world-renowned for its hunting and fishing opportunities and scenic landscape. Commercial transport of clients to access the Refuge to hunt big game, fish, and participate in numerous other outdoor recreational activities predates Refuge establishment in 1941. Commercial transporters provide a service that most visitors require to access the Refuge. Most commercial transporting activities on the Refuge are conducted by air taxis with float-equipped aircraft.

Transporters are required, as conditions of their permits, to provide information on the primary activity, location, length of stay, group size, and other related items. These reports provide the most accurate and reliable information the Service has on Refuge use by unguided visitors. Commercial transporter-related services contribute to fulfillment of Refuge purposes and the National Wildlife Refuge System mission by providing access for most Refuge visitors and therefore facilitate priority public uses and other uses found compatible in separate compatibility determinations. Many of these compatible public uses contribute directly to achieving healthy fish and wildlife populations through managed use.

Ten air taxi operators are permitted to fly hunters, anglers, wildlife viewers, and other visitors and commercial guides and fishing crews to and from the Refuge. Operators are required to submit quarterly reports of recreation client trips to Refuge lands. There is currently no limit to the number of trips or recreation clients air taxi operators can take to the Refuge. Neither is there a limit to the number of air taxi operators permitted to operate on the Refuge.

The general trend in numbers of air taxis authorized to operate on the Refuge has been stable over the past 15 years. The revised conservation plan projects an increase of 20 percent 30 percent in visitor use of Kodiak Refuge over the 15-year life of the plan. It is assumed that this use would also include increased use of air transporters. Most use occurs between May and October.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage commercial transporting activities at current and projected levels. Administrative staff time primarily involves annually issuing permits, ensuring licenses and certifications are current, collecting client use day fees, and entering activity data into a database for

analysis. Fieldwork associated with administering the program primarily involves monitoring the permittees' compliance with the terms of the permits.

Anticipated Impacts of the Use

Impacts associated with the activities that occur on the Refuge as a result of commercial transporters providing the public access to the Refuge are addressed in the respective compatibility determinations for each activity. Due to the Refuge's administrative oversight of the activity, comprehensive state and federal regulations, which continually evolve to respond to fisheries and wildlife management needs, and combined law enforcement efforts of the state and Refuge personnel, direct impacts from commercial transporter services under existing management should have minimal impacts to fish and wildlife resources, other Refuge resources, or other Refuge users as discussed subsequently.

A majority of transporters access the Refuge by landing on saltwater, lakes, or rivers with float-equipped aircraft, thus minimizing impacts on Refuge habitat. Displacement of wildlife may occur, especially during landings and take offs or when weather conditions prevent flying at the recommended minimum altitude of 2,000 feet above ground level. A potential impact or threat associated with floatplane access is the introduction of invasive species carried on the aircraft floats, although it is not known to have occurred on Kodiak Archipelago to date. No upland aircraft landing locations have been developed on the Refuge, and wheeled-plane landings were prohibited prior to ANILCA. Absence of upland landings eliminates the associated impacts of compaction, erosion, and habitat destruction in these areas.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination. There were comments recommending motorboat and aircraft access to the refuge be restricted. As explained below, access by airplanes and motorboats for traditional activities is provided by ANILCA and has been found to be compatible. Should motorized transportation grow to levels where it interferes with Refuge purposes, the Refuge would take actions necessary to address compatibility concerns. The State of Alaska noted during a meeting that there were inconsistencies in some of the special conditions for special use permits. These inconsistencies were corrected.

Determination

☐ Use is Not Compatible

☒ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Step-down planning processes identified in the revised conservation plan will be used to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of wildlife-

dependent recreation and other compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Permit special conditions currently limiting access to nine bear concentration areas will be replaced by special conditions developed through the step-down planning process outlined in the final revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee's employees do not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) aircraft or other vehicle types to be used, identification information for these vehicles; and names of crew members, and (2) any changes in information provided in the original permit application.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge with (1) a copy of current business license; (2) proof of comprehensive general liability insurance, listing Kodiak National Wildlife Refuge as additionally insured, (\$300,000 each occurrence, \$500,000 aggregate) covering all aspects of operations throughout the annual use period.
- The permittee is responsible for accurate record keeping and shall provide the Refuge Manager with a comprehensive summary of location, numbers of clients, and number of client days by January 15 for all uses during the calendar year, unless stated otherwise in the permit. The permittee shall provide the Refuge Manager with this information on the form provided with the special use permit. An annual nonrefundable administrative fee will be assessed prior issuing this permit. In addition, a client drop-off and a client pick-up will be assessed at the end of the calendar year based on the permittee's use report. Client use fees are adjusted by the Regional Office every three years based on the Implicit Price Deflator

Index (PDI). For law enforcement purposes, the permittee may be required to provide names and addresses of clients. Failure to submit required reports and payments could result in the issuance of citations and revocation of the permit.

- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- The construction of landing strips or pads is prohibited.
- Unauthorized fuel caches are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- The use of helicopters is prohibited.
- Construction of cabins or other permanent structures is prohibited.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the airplane at all times while exercising the privileges of the permit.
- Cabins on Refuge lands shall not be used by the permittee without the permission of the Refuge Manager except in cases of dire emergency for survival purposes. Construction of cabins or other permanent structures outside of the guidelines found in the Cabin Management Plan is prohibited.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- Closed and Limited Access Areas—An area approximately 2,560 acres near the outlet of the O'Malley River, as described in 50 CFR 36.39 (j)(1), is closed to all public access, occupancy, and use (general and commercial) from June 25 through September 30 annually.
- The following areas are currently closed seasonally to commercial use:

- Connecticut Creek (July 15–August 31)
 - Humpy Creek (July 15–September 15)
 - Seven Rivers (July 15–September 15)
 - Lower Dog Salmon Falls (June 25–August 31)
- The following areas are currently restricted seasonally to day use only by commercial users:
 - Red Lake River and shoreline (July 1–August 31)
 - Upper Thumb River (July 1–August 31)
 - Southeast Creek (Red Lake) (July 15–August 31)
 - Little River Lakeshore (July 15–August 31)
 - Deadman Bay Creek (August 15–September 30)
- Following are the special conditions for operations on the Ayakulik River effective May 25 through July 15:
 - Over fly the area of intended landing to check for floaters and other aircraft.
 - Announce your position and intention, for takeoff/landing or transit of the area, on CTAF 122.8.
 - Slow (displacement) taxi only, no step taxi.
 - No takeoff or landing on the four designated corners. (See attached map.)
 - Unless the wind creates a safety hazard or makes operations impossible, the area downstream from easternmost designated corner is restricted to landings and displacement taxi only. Avoid the lower area for takeoff or landing.
 - Please advise your clients that airplanes are necessary for the Ayakulik recreational fishery, but there are hazards to both anglers and airplanes. Everyone involved needs to be cautious, courteous, and respectful of other users on the river and the resource.
- All aircraft being used in commercial operations must have 12-inch identification numbers in contrasting colors, which are readily visible.
- Any action by a permittee or the permittee's employees that unduly interferes with or harasses other Refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to, low flights over camps or persons at less than 500 feet (unless landing) and parking aircraft or placing other objects on any landable area to restrict use by other aircraft or persons.
- The permittee may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other transporter.
- This special use permit specifically does not authorize the following:
 - Construction of blinds, stands or any other structures
 - Baiting, feeding, harassing, herding, or any other activity that changes, or attempts to change, normal behavior, this includes but is not limited to bears, fox, deer, and eagles
 - Commercially guided activities as described in attachment (a) Refuge Guide and Other Visitor Service Definitions.
- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.

- This is a day use permit to transport clients to and from the Kodiak National Wildlife Refuge. No overnight camping or guiding operations are authorized by this permit.

Justification

Commercial transporting is a traditional activity that Congress intended to preserve when it expanded the Refuge with the enactment of ANILCA. Commercial transporter services provide the public with safe access to unique hunting, fishing, wildlife viewing, wildlife photography, and environmental education opportunities found few places elsewhere in the world. These are all activities that the National Wildlife Refuge System Administration Act (as amended by the National Wildlife Refuge System Improvement Act) identifies as priority public uses. These visitor services are a valuable benefit to a segment of the public that does not have personal or other means of access to the extremely remote environment of the Refuge.

Commercial transporters are the Service's primary source of information about unguided use of the Refuge. After fully considering the impacts of this activity, as described previously in the "Anticipated Impacts" section of this document, it is my determination that commercial transporter activities on the Refuge do not materially interfere with or detract from the purposes of the Refuge or the mission of the National Wildlife Refuge System.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /

Project Leader Approval:

USFWS KENK

(Signature)

2-17-2006

(Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

Red J. Fog

(Signature)

2/17/06

(Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Fisheries Projects at Frazer Fish Pass, Hidden Lake, and Spiridon Lake

Primary Use: Fishery enhancement

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), interpretation (not conducted by refuge staff or authorized agents), fishing (general), plant gathering, natural-resource collecting, camping, photography, video, filming, swimming and beach use, outdoor recreation (other), research, scientific collecting, surveys, fishing (subsistence), photography (wildlife), wildlife observation, wildlife observation (guiding or outfitting), fixed-wing aircraft, photography, video or filming or audio recording (commercial), photography, video, filming, audio recording (news and education), audio recording (non-wildlife-dependent, recreational—other).

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United

States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination evaluates compatibility of continuing three currently-authorized fisheries management projects on Kodiak Refuge. Alaska Department of Fish and Game maintains a fish ladder on Dog Salmon Creek below Frazer Lake and has sockeye salmon-enhancement projects at Spiridon and Hidden lakes.

As described by the Alaska Department of Fish and Game's Frazer Lake Sockeye Salmon Project Summary, Frazer Lake is located on the southern end of Kodiak Island. Dog Salmon Creek, at the lake outlet, flows south eight miles into Olga Bay. A 30-foot-high waterfall occurs on Dog Salmon Creek about one-half mile below the lake outlet. These falls prevent upstream passage of salmon. Sockeye were introduced to Frazer Lake in 1951 through an egg transplant. Adult returns in 1956 were packed over the falls, a practice that continued through 1962. A fish pass was constructed in 1962 and supplemented with another fish pass in 1979. The creation of this run has resulted in a valuable contribution to Kodiak's economy, and these sockeye have become a valuable food source for brown bears and bald eagles.

In December 1990, Alaska Department of Fish and Game, in cooperation with the Kodiak Regional Aquaculture Association, submitted a proposal to the Service to stock sockeye salmon into Spiridon Lake. Spiridon Lake did not support a natural run of anadromous fish because of an impassible series of falls located below the lake outlet. A plastic pipe was installed to allow smolts to pass around the falls and downstream to the ocean. This long-term stocking project was proposed to improve the commercial harvest of sockeye in the Kodiak area. The commercial fleet harvests these fish along the west side of Kodiak and in a designated terminal harvest area within Spiridon Bay.

In 1992, Alaska Department of Fish and Game proposed to stock sockeye salmon into Hidden Lake on the Afognak-Ban Island Unit of Kodiak Refuge. Hidden Lake is located on the northwestern shore of Afognak Island and does not support native stocks of salmon because of an impassible falls downstream of the lake outlet. All returning adult sockeye are harvested in traditional fishing areas in the northwestern Afognak area or in a special harvest area within Foul Bay.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage these projects.

Anticipated Impacts of the Use

Impacts of these projects included permanent and temporary facilities to support the necessary daily work during the field season. Frazer fish pass has three permanent buildings, two concrete fish ladders, and a weir. At least two people are stationed full time during the sockeye run. The area attracts brown bears that feed on the returning salmon, and these bears attract visitors who come to view the bears. Where bears and people mingle, the potential for adverse bear-human interactions occurs. These have been managed through conditions in the authorizations for the facilities and operations

and through special conditions on the permits of authorized wildlife-viewing guides and air transporters.

The Spiridon project has a permanent building, and the Hidden Lakes project has a temporary camp. The environmental assessments prepared for each of these projects included analysis of the physical and chemical impacts, biological impacts, and economic impacts. The potential for over-utilization of nutrients and food sources by introduced salmon was one of the overriding concerns. Limnological monitoring is critical to ensure that this activity is properly managed. Findings of no significant impact were approved for both environmental assessments.

Camps and the associated activities of running fisheries projects potentially could negatively affect Refuge resources. Displacement of wildlife or defense-of-life-or-property kills of bears could result. Impacts on other Refuge uses were also considered. However, monitoring is demonstrating that impacts of the projects are negligible and that the projects are compatible with Refuge purposes.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination.

Determination

_____ Use is Not Compatible

X_____ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required.

- Monitoring and reporting requirements listed in the cooperative agreements and environmental assessments must be followed. Annual coordination meetings must be held to ensure guidelines are being met.
- Stipulations required for wildlife-viewing guides and transporters apply, and are listed in the compatibility determinations for those activities.
- If a helicopter is used, the helicopter use must be specifically authorized in advance and the transporter must have a valid special use permit from Kodiak National Wildlife Refuge.

Justification

These projects were found, in 1994, to be compatible with the purposes of Kodiak Refuge. Nothing in their operation has changed since they were evaluated in 1994, and the results of monitoring continue to show that stipulations proposed to ensure compatibility are working.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 1990. Fisheries Management Plan, Kodiak National Wildlife Refuge— Final. U.S. Fish and Wildlife Service, Kodiak, Alaska. 116 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.
- Environmental Assessment for the Introduction of Sockeye Salmon into Spiridon Lake on the Kodiak National Wildlife Refuge. 1991.
- Finding of No Significant Impact for the Introduction of Sockeye Salmon into Spiridon Lake on the Kodiak National Wildlife Refuge. 1991.
- Environmental Action Memorandum for the Introduction of Sockeye Salmon into Spiridon Lake on the Kodiak National Wildlife Refuge. 1991.
- Environmental Assessment for the Introduction of Sockeye Salmon into Hidden Lake on the Kodiak National Wildlife Refuge. 1992.
- Finding of No Significant Impact for the Introduction of Sockeye Salmon into Hidden Lake on the Kodiak National Wildlife Refuge. 1992.
- Environmental Action Memorandum for the Introduction of Sockeye Salmon into Hidden Lake on the Kodiak National Wildlife Refuge. 1992.
- Frazer Lake Sockeye Salmon Project. Alaska Department of Fish and Game report.

Refuge Determination

Refuge Manager /

Project Leader Approval: LESLIE KERR 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

[Signature] 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Helicopter Use to Support Authorized Activities by Other Federal, Tribal, State, and Local Governments and for Maintenance of One Private Radio Repeater Site

Primary Use: Helicopters

Supporting Uses: Research, scientific collecting, surveys, rights-of-way (utility), other

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates helicopter use to support authorized activities of local, state, tribal, and other federal agencies and maintenance of one private radio repeater.

One or two applications per year are normally received to allow helicopter landings as part of some other authorized use such as geologic research, radio repeater site maintenance, State of Alaska fish and wildlife law enforcement, or fish or wildlife surveys. Permits could be issued at any time of the year but are most likely to be for activities during spring, summer, or fall. State law enforcement use of helicopters is normally limited to goat hunter contacts.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage permits.

Anticipated Impacts of the Use

Adverse impacts associated with helicopter landings on the Refuge would be associated with displacement of wildlife, especially bears concentrated along streams to feed, perhaps denning bears, and nesting bald eagles. The experience of Refuge visitors could also be adversely affected. Hunters would be especially vulnerable to disturbance by helicopters.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. The Defenders of Wildlife commented that allowing helicopter use to maintain a private radio repeater was an incompatible use. This use was initially determined to be a compatible use in 1994. The operations plan for each request for helicopter use to support maintenance is reviewed for essential need, activity, time of year, and potential for impacts to refuge resources. If it is determined that the maintenance work can be performed with minimal or no impact to refuge resources, a permit is issued with special conditions necessary to ensure compatibility. Our files indicate that maintenance involving helicopter use occurs infrequently - about once every five years. Monitoring of the maintenance work has shown the use did not impact refuge resources and was compatible.

Determination

_____ Use is Not Compatible

X Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

- Nonemergency helicopter landings would not be authorized during spring and fall bear-hunting seasons.
- Unless authorized for brown bear research, helicopter landings would not be allowed in the vicinity of key bear concentration areas, including important denning locations, during sensitive times of the year.
- Ensure that all aircraft transiting the Refuge actively avoid large mammals (including brown bears, elk, mountain goats, and marine mammals) and active bald eagle nests. "Active avoidance" includes making a vertical or lateral deviation from a flight path within flight safety parameters to minimize or prevent adverse impact on the animals.

Other project-specific stipulations would be included in each separate, associated permit held by the client or other authorizations for the specific activity.

A special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Permit special conditions currently limiting access to nine bear concentration areas will be replaced by special conditions developed through the step-down planning process outlined in the final revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee's employees do not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge with (1) a copy of current business license; (2) proof of comprehensive general liability insurance, listing Kodiak National Wildlife Refuge as additionally insured, (\$300,000 each occurrence, \$500,000 aggregate) covering all aspects of operations throughout the annual use period.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.

- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- Unauthorized fuel caches are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.
- Construction of cabins or other permanent structures is prohibited.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the helicopter at all times while exercising the privileges of the permit.
- Cabins on Refuge lands shall not be used by the permittee without the permission of the Refuge Manager except in cases of dire emergency for survival purposes.
- The permittee shall provide the Refuge Manager with a report of activities under this permit within 30 days of permit expiration.
- A nonrefundable administrative fee will be assessed prior to issuing this permit.
- Closed and Limited Access Areas—An area approximately 2,560 acres near the outlet of the O'Malley River, as described in 50 CFR 36.39 (j)(1), is closed to all public access, occupancy, and use (general and commercial) from June 25 through September 30 annually.
- The following areas are currently closed seasonally to commercial use:
 - Connecticut Creek (July 15–August 31)
 - Humpy Creek (July 15–September 15)
 - Seven Rivers (July 15–September 15)
 - Lower Dog Salmon Falls (June 25–August 31)
- The following areas are currently restricted seasonally to day use only by commercial users:
 - Red Lake River and shoreline (July 1–August 31)
 - Upper Thumb River (July 1–August 31)
 - Southeast Creek (Red Lake) (July 15–August 31)
 - Little River Lakeshore (July 15–August 31)
 - Deadman Bay Creek (August 15–September 30)
- Following are the special conditions for operations on the Ayakulik River effective May 25 through July 15:

- Announce your position and intention, for takeoff/landing or transit of the area, on CTAF 122.8.
- This special use permit specifically does not authorize the following:
 - Construction of blinds, stands or any other structures
 - Baiting, feeding, harassing, herding, or any other activity that changes, or attempts to change, normal behavior, this includes but is not limited to bears, fox, deer, and eagles
 - Any type of commercially guided activities as described in attachment (a) Refuge Guide and Other Visitor Service Definitions.
- All aircraft being used in commercial operations must have 12-inch identification numbers in contrasting colors, which are readily visible.
- The Service requests that helicopters avoid landing in the vicinity of Refuge visitors and their camps.
- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.

Justification

Under 43 CFR 36.11(4), helicopter use on national wildlife refuges requires a special use permit. The current conservation plan (page 165) states “use of helicopters is not permitted for recreational activities; other uses require a special use permit.” As only occasional and limited use of helicopters would be authorized, the potential for adverse effects to Refuge resources and visitors would be negligible. It is recommended that all aircraft fly 2,000 feet above ground level when possible. When weather conditions do not permit, aircraft should maintain an altitude of at least 800 feet above ground level. Observations (Wilker and Barnes 1998) have shown that when aircraft fly above 800 feet, they provide minimal, if any, disturbance to brown bears. Helicopter landings would only be authorized when other means of access are impractical or unsafe.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.
- Wilker, G. A., and V. G. Barnes, Jr. 1998. Responses of brown bears to human activities at O'Malley River, Kodiak Island, Alaska. International Conference on Bear Research and Management. 10:557–561.

Refuge Determination

Refuge Manager /
Project Leader Approval: LESLIE KERR 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System: [Signature] 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
☐ Categorical Exclusions and Environmental Action Memorandum
☐ Environmental Assessment and Finding of No Significant Impact
☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Limited Military Training Activities

Primary Use: Military training

Supporting Uses: Camping, cross-country skiing, hiking and backpacking, fixed-wing aircraft and helicopter access.

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates requests from the military to conduct limited training exercises on Refuge lands. Although most of their on-the-ground training occurs outside

Refuge boundaries, Navy Seals and Coast Guard personnel occasionally use glaciers on the Refuge for winter survival training. Helicopters are used for access for this training. The Coast Guard has entered into a memorandum of agreement with the Service and the Alaska Department of Fish and Game regarding flights over Kodiak Island. Navy Seals have their winter training school at Kodiak. Prior to each training activity, the military submits a detailed operational plan to the Refuge for approval.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage these uses. Refuge staff provides the military information on sensitive wildlife areas and provides the Coast Guard annual refresher training on recommendations governing use of aircraft in and around the Refuge. Refuge staff review operations plans for any on-the-ground training on the Refuge.

Anticipated Impacts of the Use

Navy Seal and Coast Guard survival-training activities in the high country can impact mountain goats and denning brown bears. Season of use is a prime consideration for this activity. Camp impacts include attracting bears by improper storage of food and disposal of garbage. Information provided in advance of training exercises stresses bear-aware camping and minimizing the opportunities for adverse effects.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. The Defenders of Wildlife commented that they were concerned that "non-coastguard helicopter transport and survival training" are not compatible with the refuge mission and goals because of disturbance to mountain goats and denning brown bears. Defenders stated, "we believe this disturbance occurs at a level that renders this use incompatible with the National Wildlife Refuge System Improvement Act. The Service rightfully banned recreational helicopters and should do the same with helicopter use associated with military training. In the eyes of the Improvement Act there is no qualitative difference between two non-wildlife dependent uses with respect to meeting the strict compatibility requirements." The operations plan for each proposed military training is reviewed for essential need, location, activity, time of year, alternate training locations, and potential impacts to refuge resources. If it is determined that training can be conducted with minimal or no impact to refuge resources, a permit is issued with the special conditions necessary to ensure compatibility. Otherwise, a permit would not be issued. Our files indicate that training occur infrequently - about once every ten years. The last permit for training was issued in 1996. Monitoring of the last two training exercises indicated the use did not impact refuge resources.

Determination

_____ Use is Not Compatible
 X Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

- Nonemergency helicopter landings would not be authorized during spring and fall bear-hunting seasons.
- Helicopter landings would not be allowed in the vicinity of key bear concentration areas, including important denning locations, during sensitive times of the year.
- Ensure that all aircraft transiting the Refuge actively avoid large mammals (including brown bears, elk, mountain goats, and marine mammals) and active bald eagle nests. “Active avoidance” includes making a vertical or lateral deviation from a flight path within flight safety parameters to minimize or prevent adverse impact on the animals.
- Coordinate with the Service and Alaska Department of Fish and Game for annual refresher training on laws (both Federal and state) governing the use of aircraft around wildlife and, to minimize interference, review areas where large concentrations of brown bears are located. Prior to obtaining approval for training, the military must submit a detailed operations plan for Refuge approval. This operation plan must outline how wildlife impacts will be avoided. The plan must contain the details about the proposed training, including all areas where ground operations will be conducted and locations proposed for camping and other training activities. An inspection flight must be provided to take Refuge staff member to any campsite once activities are completed to ensure proper camp closeout procedures were followed. Any low-level flight activities must be coordinated in advance with the Refuge to ensure safety and to minimize wildlife disturbance.
- A special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee’s employees do not have the exclusive use of the site(s) or lands covered by the permit.

- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- The permittee or party chief shall notify the Refuge Manager during Refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) name and method of contact for the field party chief/supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of crew members, and (2) any changes in information provided in the original permit application.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee is to be removed from Refuge lands upon completion of permitted activities and the permittee must provide an inspection flight for Refuge staff to activity areas to ensure proper camp closeout procedures were followed.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- Unauthorized fuel caches are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.
- Construction of cabins or other permanent structures is prohibited.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the party leader's possession at all times while exercising the privileges of the permit.
- Cabins on Refuge lands shall not be used by the permittee without the permission of the Refuge Manager except in cases of dire emergency for survival purposes.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.

- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- Closed and Limited Access Areas—An area approximately 2,560 acres near the outlet of the O'Malley River, as described in 50 CFR 36.39 (j)(1), is closed to all public access, occupancy, and use (general and commercial) from June 25 through September 30 annually.
- Following are the special conditions for operations on the Ayakulik River effective May 25 through July 15:
 - Announce your position and intention, for takeoff/landing or transit of the area, on CTAF 122.8.
- The Service requests that helicopters avoid landing in the vicinity of Refuge visitors and their camps.
- Ensure that all aircrews are briefed on the importance of maintaining an appropriate distance from all wildlife to avoid harassment.
- Any action by a permittee or the permittee's employees that unduly interferes with or harasses other Refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to, low flights over camps or persons at less than 500 feet (unless landing) and parking aircraft or placing other objects on any landable area to restrict use by other aircraft or persons.
- The permittee's operations plan, as amended and accepted by the U.S. Fish and Wildlife Service, is hereby incorporated in their entirety as a special condition. All deviations from the operations plan must receive prior written approval by the Refuge Manager or his/her designee.
- Access on Alaska Maritime NWR islands, rocks, and spires adjacent to Kodiak NWR is allowed for glassing or scoping of game and wildlife viewing. Access is restricted to day-use only, colonies of nesting birds must be avoided, and any foot travel must be performed in a manner to avoid damage of ground-nest sites.
- When transiting lands within the boundaries of the Kodiak Refuge, aircraft shall maintain an altitude of at least 750 feet above ground level. An exception is granted when inclement weather makes it necessary for aircraft to fly at lower levels, particularly during the transit of mountain passes.
- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.

Justification

The Refuge staff and Alaska Department of Fish and Game work closely with the Coast Guard to insure there are minimal impacts from their operations. The Coast Guard willingly entered into the memorandum of agreement to cover their flight operations over Kodiak Refuge. Navy Seal and Coast Guard winter-survival training is conducted on glaciers on Kodiak Island. Depending on winter weather conditions, it is sometimes necessary for these activities to be conducted within Refuge boundaries. By working closely together, the Refuge and the military can meet military training requirements in an area where alternative nonRefuge sites are not available, and protect sensitive wildlife resources. Specific special conditions to ensure protection of Refuge resources and avoidance of impacts, such as practicing leave-no-trace camping, are included in specific

operational plans approved in advance by the Refuge. If there is potential for significant impacts to occur, a permit would not be issued.

This activity was initially determined to be a compatible use in 1994. Our files indicate that training exercises occur infrequently - about once every ten years. The last permit for training was issued in 1996. Monitoring of the last two training exercises indicated the use did not impact refuge resources and was compatible.

Supporting Documents

- Memorandum of Agreement Between U.S. Fish and Wildlife Service, Alaska Department of Fish and Game, and U.S. Coast Guard Regarding Flight Operations Over Kodiak. April 30, 2002. On file with Kodiak National Wildlife Refuge, Kodiak, Alaska. 4 pp.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /
Project Leader Approval: USFWS KENN 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System: Carol J. Fog 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Unguided Wildlife Viewing, Photography, Environmental Education, and Interpretation

Primary Uses: Environmental education (teaching teachers or group leaders, teaching students, other), interpretation, photography (wildlife), wildlife observation.

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), fishing (general), fishing (other), hunting (big game), hunting (other migratory birds), hunting (upland game), hunting (waterfowl), hunting (other), plant gathering, rock collecting, trapping, natural resource collecting, camping, cross-country skiing, dog sledding and ski touring, hiking and backpacking, pets, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), snowshoeing, swimming and beach use, outdoor recreation (other), fishing (subsistence), gathering (subsistence), hunting (subsistence), photography (wildlife), wildlife observation, fixed-wing aircraft, tree harvest (firewood).

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate,

restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates the following unguided wildlife-dependent activities: wildlife viewing, wildlife photography, environmental education, and interpretation. While some visitors come to the Refuge specifically to engage in one or more of these nonconsumptive activities, many visitors also include these activities as part of a Refuge hunting or fishing trip. Compatibility of hunting and fishing is evaluated separately. Associated activities such as camping, backpacking, hiking, and other incidental uses are considered part of these wildlife-dependent activities for the purposes of this evaluation. Of the four priority public uses, wildlife observation and photography are by far the most widespread with on-Refuge environmental education and interpretation occurring only intermittently as staff talk with visitors during patrols or chance encounters when conducting other work.

Interpretive and educational efforts occur primarily in the City of Kodiak rather than on the Refuge because of the lack of developed visitor facilities and difficult access to the Refuge itself. Educational programs occurring on the Refuge are often held in conjunction with one of the six villages on the island (Old Harbor, Ouzinkie, Port Lions, Karluk, Larsen Bay, and Akhiok). Limited, informal interpretive and environmental education services are provided during contacts with visitors on the Refuge by staff on routine patrol. No formal environmental education or interpretive programs are regularly conducted on the Refuge nor are any formal on-site programs planned under the revised conservation plan.

The Kodiak brown bear is a key attraction, but visitors also take advantage of opportunities to view and photograph other wildlife and the dramatic landscapes of the Refuge. Most of these activities predate Refuge establishment in 1941. Recreational settings on the Refuge are remote and inaccessible by road. Typical forms of access for all areas of the Refuge include fixed-wing airplanes, motorboats, nonpowered boats, hiking, snowshoeing, cross-country skiing, and other nonmotorized means. However, most visitors access the Refuge by commercial air taxis or charter boat. Private boats and airplanes are the most common means of access for the relatively few visitors not using commercial transporters.

Day trips to the Refuge are common for visitors interested in wildlife viewing, photography, and sightseeing. Camping on the Refuge usually occurs for periods of several days. Campers use tents ranging from small backpack-type tent camps to larger multiperson tents. Visitors also occupy public use cabins maintained by the Refuge or stay at private facilities located adjacent to the Refuge or on inholdings.

People visit the Refuge year-round, but most come to view and photograph wildlife during summer. Over the last seven years, estimated annual wildlife-viewing and photography use has ranged from just more than 850 use days to more than 1,200 use days (a use day is one person visiting for all or part of one day). Use is concentrated at areas that are accessible and that generally provide reliable viewing such as along major

rivers during salmon runs. Of that total use, between 140 and 300 use days have been unguided during the same period.

Over the next 15 years, overall visitor use is expected to increase 20 percent to 30 percent, and some shifts in type of use and users may also occur. Specifically, wildlife viewing and photography are expected to grow at a faster rate than other activities such as hunting and fishing. Nonresident use is expected to grow more quickly than resident use, which may suggest that unguided wildlife viewing and photography are not likely to grow as rapidly as guided viewing and photography.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage these wildlife-dependent recreational activities. Administrative staff time primarily involves phone conversations, written correspondence, public use surveys, and interaction with visitors at the visitor center. Staff time will also be involved with the step-down planning process for key bear concentration areas called for in the conservation plan. There is also additional work entering activity data into a database for analysis. Field work associated with administering the program primarily involves conducting patrols to increase visitor compliance with state and federal regulations and to foster respect for local residents' activities and property.

Anticipated Impacts of the Use

Adverse impacts to Refuge wildlife and habitats associated with these priority public uses and associated uses are evaluated in this environmental impact statement for the revised Kodiak Refuge conservation plan. Negligible impacts to Refuge habitats from disturbance or introduction of invasive plants are anticipated. Possible localized adverse impacts to some bird species and brown bears have been documented, but the proposed plan would not have any long-term population-level impacts on Refuge wildlife. Positive effects on the local economy, though small, are anticipated from these uses.

Implementation of access and bear-viewing management would initially impact bears at concentration areas newly opened to bear viewing and other public uses. This use would disturb and displace unhabituated bears, resulting in a measurable short-term decline in bear-use levels, despite application of seasonal area use guidelines and restrictions. Recovery to current bear-use levels would be expected possibly by year two or three, and probably by year four (Barnes 2004), as most bears habituated to nonthreatening, consistent, and predictable visitor activity.

The step-down planning process called for in the conservation plan will be used to delineate wildlife viewing and photography in sensitive locations. It would minimize adverse impacts, especially those associated with brown bear viewing and photography.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination.

Determination

_____ Use is Not Compatible

X Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

No special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Revision of the public use management plan will be used to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of wildlife-dependent recreation and other compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of will be carried out to ensure compliance with the following conditions to minimize impacts on Refuge lands and resources.

Visitors will be required to comply with any regulations in places such as the seasonal closure of the O'Malley River area. Visitors will also be strongly encouraged to comply with voluntary guidelines adopted for wildlife viewing and photography and associated activities.

Justification

All Refuge lands in the Kodiak Refuge are open to general public access unless specifically closed. The proposed uses are four of the six priority public uses identified in the National Wildlife Refuge Administration Act (as amended by the National Wildlife Refuge System Improvement Act). The law calls for the Service to ensure that opportunities are provided for these uses and requires that the priority public uses receive enhanced consideration over other public uses in planning and management.

Kodiak Refuge provides an incredible opportunity to function as an outdoor classroom promoting an awareness of ecological functions and the interrelationship between human activities and the natural system and to educate and motivate future generations of people to support wildlife conservation. The current and projected amount of these activities has been found to have insignificant adverse physical and biological effects in the environmental impact statement for revision of the Kodiak Refuge conservation plan.

Supporting Documents

- Barnes, V.G. 2004. Personal communication with Bill Pyle, March 9, 2004, about effects of preferred alternative of draft revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan on brown bears.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.

U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /

Project Leader Approval:

USFWS KODK

(Signature)

2-17-2006

(Date)

ConcurrenceRegional Chief,
National Wildlife
Refuge System:[Signature]

(Signature)

2/17/06

(Date)

Mandatory 15-Year Re-Evaluation Date: January 2021**NEPA Compliance for Refuge Use Decision**

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: O'Malley River Bear-Viewing Program

Primary Uses: Photography (wildlife), wildlife observation, and wildlife observation (guiding or outfitting)

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), environmental education (not conducted by refuge staff or authorized agents), interpretation, interpretation (not conducted by refuge staff or authorized agents), fishing (general), fishing (guiding or outfitting), plant gathering, rock collecting, natural resource collecting, camping, hiking and backpacking, photography, video, filming, or audio recording (nonwildlife-dependent, recreational—other), swimming and beach use, outdoor recreation (other), fixed-wing aircraft.

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United

States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination evaluates operation of a bear-viewing program at the O'Malley River within Kodiak Refuge. The Service, in cooperation with Alaska Department of Fish and Game, would develop and implement a bear-viewing program at O'Malley River. The regulation now closing the O'Malley River area to all use on a seasonal basis would be modified to allow this use. The viewing program would combine agency-supervised use with commercially guided use, although agency-supervised viewers and commercially guided viewers would not be present at the same time. Permits for agency-supervised visitation would be allocated to individuals by lottery. Qualified bear-viewing guides would apply for guided use opportunities, which would then be available to their clients via private bookings. The viewing program would be patterned after the program operated by the Service at the O'Malley River site in 1992, but would probably differ in some respects.

The 1992 program operated between early July and mid-August and included the following elements:

- Maximum of six to eight participants per viewing period, selected by lottery;
- Viewing period of four days;
- Participants supplied their own transportation to the site, food, clothing, footwear, and bedding;
- The Service provided support facilities, including weatherports (large tents with rigid floors), a cooking shelter with cook stoves, utensils, and fuel, and an outhouse (all located outside the limited access area);
- Participants were escorted to and from the viewing site each day;
- The viewing site consisted of a small, wooden platform located on an upland bench within 50 yards of O'Malley River;
- Participants were required to stay at the viewing site during the day; and
- Participants were allowed, under supervision, to fish, hike, or pursue other activities in designated areas adjacent to the support facilities site, but outside the limited use area.

Aircraft access was managed to minimize the number of days on which aircraft landings occurred at the camp area.

Qualified bear-viewing guides would be selected through a screening process, probably a prospectus. Applicants would be required to submit a proposed operations plan and other pertinent information requested by the Service and outlined in the prospectus. Applications would be evaluated and a permit awarded for operation of the program. Kodiak Refuge staff, in coordination with Alaska Department of Fish and Game, would provide management oversight of the program, but all aspects of operation—such as client booking, transportation to the site, and on-site management of viewing activities—would be the responsibility of the permittee(s). Selected guides could offer a viewing opportunity similar to that being offered by the agency program or possibly negotiate alternative plans of operation that would require the approval of the Refuge Manager.

Availability of Resources

This program would only be implemented once adequate staff and funding were available, including staff and funding to supervise program participants and to conduct biological monitoring of program effects. A similar program was operated in the past with existing staff and funding; however, the costs of biological monitoring were not being funded by the Refuge at that time. In addition, the Refuge was not doing as much on-the-ground management of public use as it is today (for example, Ayakulik, Karluk, and Frazer rivers). Costs of this proposed program, which combines guided and agency-run opportunities, would likely be higher than the cost of a purely agency-run program. Management costs would be similar to those that might be expected if the entire program were operated by guides. While the Refuge would seek to have the fees collected through this program returned to the Refuge to manage this program, this would require reauthorization of federal Fee-Demonstration-Program legislation and that this program be added to the list of authorized fee-demonstration projects.

Anticipated Impacts of the Use

The main effects likely from the bear-viewing program at O'Malley River would be on brown bears and on visitors. We would expect minor impacts to bears from the bear-viewing program to be established at O'Malley River. These noticeable but minor impacts would be limited mainly to unhabituated animals that traditionally used the access trail and viewing site vicinity in July and August. Some affected bears would gradually habituate to this activity; others would shift their daily activity patterns to avoid it (Sellers and Aumiller 1994). Yet other bears would probably move to and remain at different foraging sites. Although these animals may encounter increased competition with other bears, their survival would not be jeopardized.

Initial declines in summer bear use would be followed by a gradual increase in use to preprogram levels as displacement decreased and habituation increased (Wilker and Barnes 1998, Barnes and Wilker 2002). Bear use would be unlikely to differ significantly with preprogram levels after year four of program operation (Barnes 2004).

Bears would be minimally disturbed by viewing-program activities because the type, level, timing, and distribution of human activity would be carefully managed. Access to and from the viewing site and activity at the viewing site would be managed similarly to that of the agency-run viewing program conducted in 1992. However, some additional impacts to individual bears would be expected, given the realities of monitoring use by commercial operation. Those impacts could likely be alleviated only through presence of an on-site agency monitor and strict penalties for noncompliance.

The camp adjacent to the concentration area would have negligible effects on bears (Wilker and Barnes 1998). Careful camp management would ensure safety and prevent problems. Curious bears approaching camp would be deterred. Although other activities such as fishing could occur in the camp vicinity, effects on bears would be negligible because these activities would occur outside the bear concentration area.

Viewing-program characteristics could change if fall bear viewing were authorized. Because of changes in distribution of food resources, bears increasingly use the lake shore area for travel and foraging in fall. Despite this need, adult males might tend to avoid the lake shore or shift activity patterns in response to human activity. If fall

viewing were allowed, social conflicts between bear viewers and bear hunters could develop.

The current annual seasonal closure extends from June 25 through September 30. This allows unrestricted public access for a month before the start of hunting season. Habituated bears in the O'Malley area would be somewhat at risk of harvest, although the risk to individual bears is reduced by several factors (Barnes and Wilker 2000). The bears most likely to become habituated include females accompanied by cubs—protected from harvest by regulation—and subadults whose small size makes them less attractive as trophy animals. However, two such bears were harvested in the O'Malley area in the fall of 2003 (Wilker 2004). Current management of recreational harvest provides for a conservative harvest. Consequently, there is substantial natural mortality of adult females. Few bears are present in the O'Malley area during the spring bear-hunting season because of the absence of spring forage in the area. Bears do not begin to congregate here in large numbers until the salmon runs start.

In summary, a commercial viewing program would have minor short- and long-term effects on bears, assuming strict adherence to program requirements. Impacts would be minor mainly because the type, distribution, and level of human activity would be consistent and carefully regulated; human use would be limited to the access trail and viewing site vicinity, a relatively small portion of the concentration area; and most bears initially disturbed by humans would gradually habituate to them and resume traditional habitat use patterns.

Reopenning of the O'Malley River bear-viewing site would increase wildlife-viewing opportunities on the Refuge. Bears are almost certainly the most popular wildlife-viewing attraction on the Refuge. In recent years, the Refuge has received an average of about 900 guided wildlife-viewing use days per year. A bear-viewing program at O'Malley River, modeled after past programs, could support approximately 400 bear-viewing use days if it operated at full capacity. Therefore, reopening the O'Malley River bear-viewing site for operation of a viewing program could clearly have a substantial positive effect on wildlife-viewing opportunities, leading to an increase in participation of nearly 50 percent.

There would be a positive economic effect on the guides selected to provide the commercial viewing at O'Malley River and on local air taxi operators who would provide transportation to and from the site for visitors using both the government-run and the commercially guided programs. Other impacts from the program are likely to be negligible.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. While there were no comments specifically addressing this compatibility determination, there were many comments about the proposed O'Malley River Bear Viewing Program. One comment stated, "To allow wildlife viewers egress and ingress, in and out of sensitive areas on a daily basis, at a critical time of the year, and to allow people to trample natural habitat and plants, to disrupt diurnal rhythms of bears and other animals, are things that blatantly contradicts the very purpose the Kodiak Refuge had been created and managed for over six decades." Most

other comments addressed the practicality and logistics of operating the proposed program. Previous experience has shown that this use can be conducted compatible with refuge purposes and the Service mission. Stipulations contained in this compatibility determination and refined through step-down planning would ensure that this priority public use is compatible.

Determination

_____ Use is Not Compatible

X _____ Use is Compatible with the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A permit for individuals selected by lottery is required

A special use permit for commercial guides is required

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. The step-down planning processes identified in the revised conservation plan will be used to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of wildlife-dependent recreation and other Refuge-compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Permit special conditions displayed here will be replaced by special conditions developed through the step-down planning process outlined in the final revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).

- The permittee or party chief shall notify the Refuge Manager during Refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) name and method of contact for the field party chief/supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of crew members, and (2) any changes in information provided in the original permit application.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge with (1) a copy of current business license; (2) proof of comprehensive general liability insurance, listing Kodiak National Wildlife Refuge as additionally insured, (\$300,000 each occurrence, \$500,000 aggregate for guides/outfitters) covering all aspects of operations throughout the annual use period; (3) changes in names of assistant guides and other employees; (4) copies of CPR and First Aid cards for permittee and all personnel that will operate on the Refuge; and (5) any changes in information provided for the original special use permit proposed operations plan.
- The permittee is responsible for accurate record keeping and shall provide the Refuge Manager with a comprehensive summary of location, numbers of clients, and number of client days by January 15 for all uses during the calendar year, unless stated otherwise in the permit. The permittee shall provide the Refuge Manager with this information on the form provided with the special use permit. An annual nonrefundable administrative fee will be assessed prior issuing this permit. In addition, a client use day will be assessed at the end of the calendar year based on the permittee's use report. Client use fees are adjusted by the Regional Office every three years based on the Implicit Price Deflator Index (PDI). For law enforcement purposes, the permittee may be required to provide names and addresses of clients. Failure to submit required reports and payments could result in the issuance of citations and revocation of the permit.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee except for cabins and tent frames is to be removed from Refuge lands upon completion of permitted activities.
- The construction of landing strips or pads is prohibited.
- The permittee may not sublet any part of the authorized use area and is prohibited from subcontracting clients with any other guide.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- The use of helicopters is prohibited.
- Unauthorized fuel caches are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.

- Construction of cabins or other permanent structures is prohibited.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the party leader's possession at all times while exercising the privileges of the permit.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- The permittee or his or her designated assistant must accompany clients while on the Refuge. Permittee or assistant must be present within the permit area while clients are engaged in activities authorized under this permit. Permittees with more than one permit area must be present within one of the Kodiak National Wildlife Refuge areas in which they are authorized to operate.
- All aircraft being used in commercial operations must have 12-inch identification numbers in contrasting colors, which are readily visible.
- Any action by a permittee or the permittee's employees that unduly interferes with or harasses other Refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to, low flights over camps or persons at less than 500 feet (unless landing) and parking aircraft or placing other objects on any landable area to restrict use by other aircraft or persons.
- The permittee's operations plan, as amended and accepted by the U.S. Fish and Wildlife Service, are hereby incorporated in their entirety as a special condition. All deviations from the operations plan and synopsis must receive prior written approval by the Refuge Manager or his/her designee.
- Maximum overnight camp size will be 8 to 10 people, including guides and assistants. The Refuge Manager may restrict use and duration of some sites for overnight camping to prevent resource problems or conflicts.
- This special use permit specifically does not authorize the following:
 - Construction of blinds, stands or any other structures
 - Baiting, feeding, harassing, herding, or any other activity that changes, or attempts to change, normal behavior, this includes but is not limited to bears, fox, deer, and eagles

- Any other types of commercially guided activities as described in attachment (a) Refuge Guide and Other Visitor Service Definitions.
- Motorboat operators must possess U.S. Coast Guard (USCG) licenses for all passenger-carrying operations, if required by USCG regulations.
- The discharge of firearms is prohibited, except for protection of life or property.

Justification

The National Wildlife Refuge System Administration Act (as amended by the National Wildlife Refuge System Improvement Act) identifies compatible wildlife observation, photography, environmental education, and interpretation as four of six priority public uses of national wildlife refuges. The law states that, when managed in accordance with principles of sound fish and wildlife management, administration of these uses has been and is expected to continue to be generally compatible and that that priority public uses should receive enhanced consideration over other general public uses in refuge planning and management. The proposed O'Malley River bear-viewing program would clearly enhance the opportunity for the public to participate in these activities while protecting wild Kodiak bears and other Refuge resources.

Conditions imposed in the special use permits of the guides and on the Service and Alaska Department of Fish and Game would ensure that these wildlife-dependent activities can occur without adverse effects to Refuge resources, other visitors, or subsistence activities.

Supporting Documents

- Barnes, V.G. 2004. Personal communication with Bill Pyle, March 9, 2004, about effects of preferred alternative of draft revised Kodiak National Wildlife Refuge Comprehensive Conservation Plan on brown bears.
- Barnes, V. G., and G. A. Wilker. 2000–2002. Assessment of the vulnerability of habituated bears to sport harvest in the Karluk Lake vicinity of Kodiak National Wildlife Refuge, Alaska. Pages T-1 to T-5 *in* Alaska Department of Fish and Game. 2002. Kodiak Archipelago Bear Conservation and Management Plan. Alaska Dept. Fish and Game, Anchorage, Alaska. 240 pp.
- Sellers, R.A., and L.D. Aumiller. 1994. Brown bear population characteristics at McNeil River, Alaska. *Int. Conf. Bear Res. and Manage.* 9(1):283–293.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.
- Wilker, Greg. 2004. Personal communication with Mike Getman on June 28, 2004, about bear harvest at O'Malley River during the fall 2003 hunting season.
- Wilker, G. A., and V. G. Barnes, Jr. 1998. Responses of brown bears to human activities at O'Malley River, Kodiak Island, Alaska. *Ursus* 10:557-561.

Refuge Determination

Refuge Manager /

Project Leader Approval:

LESLIE KENN

(Signature)

2-17-2006

(Date)

ConcurrenceRegional Chief,
National Wildlife
Refuge System:Bob J. Fog

(Signature)

2/17/06

(Date)

Mandatory 10-Year Re-Evaluation Date: January 2016**NEPA Compliance for Refuge Use Decision**

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Other Public Uses

Primary Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), plant gathering, rock collecting, natural resource collecting, camping, cross-country skiing, dog training (including field trials), dog sledding and ski touring, hiking and backpacking, pets, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), snorkeling or scuba diving, snowshoeing, swimming and beach use, outdoor recreation (other), tree harvest (firewood). If any of these other public uses are performed for commercial purposes, a special use permit would be required before going into the field. For example, commercial photography, video or filming must have an Other Public Uses special use permit.

Supporting Use: Fixed-wing aircraft

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United

States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates general public uses not covered in the other compatibility determinations, including camping, hiking, backpacking, firewood cutting, boating (motorized and nonmotorized), plant gathering (including berry picking), natural resource collecting, rock collecting, cross-country skiing, dog sledding, pets, beach use, snowshoeing, photography, and other general outdoor recreation when the uses are not associated with one of the other uses evaluated elsewhere for compatibility. These uses could occur year-round; though most are most common in summer. The uses probably occur infrequently *not* in association with other uses.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage these uses. Management consists of Refuge staff contacting visitors on an opportunistic basis when in the field for other purposes.

Anticipated Impacts of the Use

These activities are anticipated to have negligible effects on Refuge resources and other visitors, primarily because they occur so infrequently. For example, most berry picking occurs as a subsistence activity or by visitors engaged in another activity such as wildlife viewing, hunting, or fishing.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination.

Determination

☐ Use is Not Compatible

☒ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

No special use permit is required for non-commercial uses.

A special use permit is required for commercial uses and would contain special conditions similar to those listed under commercially guided wildlife viewing, photography, environmental education and interpretation.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Revision of the public use management plan will be used to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of wildlife-dependent recreation and other compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement

and administrative monitoring will be carried out to ensure compliance with laws and regulations and to minimize impacts on Refuge lands and resources.

Justification

These uses at the levels anticipated are not likely to have any adverse effects on Refuge resources or other visitors. The activities have been found compatible when conducted in relation to other Refuge uses such as wildlife observation and photography, hunting, fishing, trapping, or subsistence activities at the current levels because the levels and effects are negligible. Because the Refuge is remote and only accessible by boat, airplane, or arduous cross-country travel on foot, it is extremely unlikely that many visitors travel to Kodiak to engage solely in these nonpriority public use activities.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /

Project Leader Approval:

USFWS KODAK

(Signature)

2-17-2006

(Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

Tom J. Jorgensen

(Signature)

2/17/06

(Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Private Cabin and Temporary Camp Special Use Permits

Primary Use: Uses (other)—Private cabin and temporary camp special use permits

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), interpretation (not conducted by refuge staff or authorized agents), fishing (guiding and outfitting), hunting (upland-game—guiding or outfitting), hunting (waterfowl—guiding or outfitting), hunting (other—guiding or outfitting), plant gathering, rock collecting, natural-resource collecting, camping, hiking and backpacking, pets, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), swimming and beach use, outdoor recreation (other), photography (wildlife), wildlife observation (guiding or outfitting), fixed-wing aircraft, tree harvest (firewood).

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United

States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates five reserved land site permits: outfitter guide cabins at Campbell's Lagoon, Spiridon Bay, and Deadman Bay; an outfitter-guide tent floor/cache on Karluk Lake; and a subsistence cabin in the northeastern arm of Uganik Bay. All the facilities have been in use for numerous years.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage these special uses. Administrative staff process paperwork associated with the permits, and field staff conduct periodic inspections to ensure compliance with terms of the special use permits.

Anticipated Impacts of the Use

Special conditions attached to each special use permit are designed to minimize the chances of adverse effects to bears and refuge visitors. All the structures have been in place for many years (15 years or more), thus any bear or other wildlife displacement that may have occurred has happened. Most bears using these areas are likely habituated to the presence of these structures and the activities that routinely occur in and near them. The structures provide relatively secure storage for food, fish, game meat, and other materials that might attract bears.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. Two commenters expressed concern about apparent discrepancies between the discussion of cabin impacts on bears in this compatibility determination and the compatibility determination for private camps and cabins. This compatibility determination has been revised to clarify the potential impacts.

Determination

_____ Use is Not Compatible

X Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Note that the following special conditions for a special use permit for private cabin and temporary camp special use will be updated, if necessary, to comply with future step-down plans.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee's employees do not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee except for cabins and tent frames is to be removed from Refuge lands upon completion of permitted activities.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- The use of helicopters is prohibited.
- Unauthorized fuel caches are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.
- Subject to available suppression resources, all permitted cabins will be protected from wildfire to the extent possible. Human safety will receive the highest priority consideration by land Managers and fire-suppression personnel.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the party leader's possession at all times while exercising the privileges of the permit.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- A nonrefundable administrative fee will be assessed prior to issuing this permit for revocation of this permit.
- This is a permit for the specific approved structure at a designated site. The structure may not be sublet or rented.
- This special use permit specifically does not authorize the following:
 - Construction of blinds, stands or any other structures
 - Baiting, feeding, harassing, herding, or any other activity that changes, or attempts to change, normal behavior, this includes but is not limited to bears, fox, deer, and eagles
 - Commercially guided activities as described in attachment (a) Refuge Guide and Other Visitor Service Definitions.
- Additions or alterations to existing structures and construction of new facilities must have the Refuge Manager's prior approval in writing.
- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.

Justification

These permanent and semipermanent facilities were evaluated in detail in the public use management planning process that found that impacts caused by their construction had already occurred and that continued use, at similar levels and times of year as in the past, would remain compatible. However, the public use management plan also found that allowing the development of new permanent and semipermanent private facilities or substantial expansion of the season of use or types of activities allowed at the existing facilities should not be authorized. New technologies for camping such as weatherport and bomb shelter tents provide excellent alternatives to fixed tent platforms and allow greater flexibility in operations. Management of outfitter-guide permits has changed

through time, and guides are normally not allowed to camp in one location for more than 15 days.

These permits have been issued considering the guidance from the public use plan. While these structures are not available to the general public, except in emergencies, they do accommodate and facilitate some individual's uses of the Refuge. Those that are operated by outfitter-guides support use of the Refuge by clients. Special conditions provided with the permits help ensure that use of the facilities will not adversely affect Refuge resources or other visitors.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /

Project Leader Approval:

LESLIE PERK

(Signature)

2-17-2006

(Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

[Signature]

(Signature)

2/17/06

(Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Public Use Cabins

Primary Use: Outdoor recreation (other)—public use cabins

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), fishing (general), fishing (other), hunting (big game), hunting (other migratory birds), hunting (upland game), hunting (waterfowl), hunting (other), plant gathering, rock collecting, trapping, natural-resource collecting, camping, cross-country skiing, dog training (including field trials), dog sledding and ski touring, hiking and backpacking, pets, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), snorkeling or scuba diving, snowshoeing, swimming and beach use, outdoor recreation (other), fishing (subsistence), gathering (subsistence), hunting (subsistence), trapping (subsistence), subsistence (other), photography (wildlife), wildlife observation, fixed-wing aircraft, tree harvest (firewood),

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination looks at the Kodiak Refuge public use cabin program. Public use cabins are one- or two-room structures. Pit toilets and meat caches are located at the cabins. These cabins provide an alternative to tent-camping for visitors participating in hunting, fishing, wildlife observation and photography, hiking, and related outdoor recreation on Kodiak Refuge. Cabins also provide emergency shelter to anyone stranded near one of the sites. Cabins are available for reservation year-round, but only those cabins on saltwater receive winter use.

Seven cabins are currently available for reservation by the public as part of the Refuge's public use cabin program. These cabins could be relocated if more desirable locations are identified. Two additional cabins could be built to replace public use cabins that have been removed from key bear concentration areas. Cabins on newly acquired lands could also be considered for management as public use cabins. New cabins would only be added after consultation with interested citizens, appropriate public involvement, and National Environmental Policy Act analysis. Criteria such as the following would be considered in selecting new cabin sites and/or selection of cabins for addition to the public use cabin program: (1) availability of diverse recreational activities such as hunting, fishing, wildlife viewing, kayaking, and hiking; (2) solitude and isolation from other uses and facilities such as lodges and setnet sites; (3) ease of access both for users and for maintenance; and (4) prevention of adverse impacts to Refuge resources such as wildlife movement corridors and key wildlife use areas.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage the public use cabin program. Administrative staff manage the permit system and collect cabin fees. Maintenance staff conduct routine maintenance. Other staff periodically visit cabins to check on condition and use, usually incidental to other work in the areas.

Anticipated Impacts of the Use

Public use cabins have generally positive impacts on bears because Kodiak Refuge has determined that the conditions and periods of public use have limited effects on bear behavior.

Refuge cabins afford relatively secure temporary storage of food, garbage, and game meat. Cabin permits require proper use of these facilities, including removal of all food and garbage at the end of each visit. Effectiveness is indicated by the absence of historical records of adverse bear-human incidents attributed to the cabin program. Adverse bear-human interactions occasionally occur in the Refuge back country and are

associated with temporary tent camps, especially those with game meat stored nearby (Smith et al. 1989).

Another positive impact of the cabin program is related to the visitor experience. Cabins provide the most secure option for overnight use by visitors with limited experience camping in bear country. The combination of secure facilities and cabin permit requirements serve to educate visitors in appropriate back country bear-aware practices.

Invasive plants could become established at cabin sites because of the frequent presence of visitors and existing vegetation and soil disturbance. Cabin sites would be relatively easy to monitor for the presence of invasive plants, and eradication efforts could be undertaken prior to invasive plants spreading beyond the immediate vicinity.

The cabin program could have serious adverse impacts on bears if cabins were sited in bear concentration areas. However, the criteria proposed for selecting cabins sites would ensure that cabins would not be constructed in bear concentration areas; if cabins on acquired lands were in bear concentration areas, they would not be converted to public use.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. Two commenters expressed concern about apparent discrepancies between the discussion of cabin impacts on bears in this compatibility determination and the compatibility determination for private camps and cabins. The Private Cabin and Temporary Camp Special Use Permits Compatibility Determination has been revised to clarify the potential impacts.

Determination

☐ Use is Not Compatible

☒ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

Other than in emergencies, occupancy of a public use cabin requires a cabin permit issued by the Refuge. No individual may occupy a Refuge public use cabin longer than 30 days (January 1 through March 31); 15 days (April 1 through May 15), and 7 days (May 16 through December 31). During their visit, cabin users are required to store all food, garbage, and harvested fish and game in a manner to not attract bears; users must remove all food, garbage, and harvested fish and game at the end of their stay.

A regulation will be proposed prohibiting camping within one quarter mile of a public use cabin under the revised comprehensive conservation plan.

Justification

Cabins have a long history of use on Kodiak Refuge. While cabins can concentrate visitor use, they also provide a relatively safe and secure place for visitors to store food, garbage, and harvested fish and game. Cabins on Kodiak Refuge can facilitate wildlife-dependent use by visitors and minimize the physical impacts of camping; they can make human

behavior more predictable to wildlife, especially bears; and they can protect both humans and bears from adverse encounters. Cabins also provide a measure of safety from the unpredictable weather of Kodiak Refuge and an opportunity for those with limited camping skills to visit and enjoy the Refuge and its resources with no long-lasting adverse impacts.

Supporting Documents

- Smith, R.B., V.G. Barnes Jr. and L.J. Van Daele Jr. 1989. *Brown Bear-human conflicts in the Kodiak Archipelago, Alaska*. In proceedings from Symp. Bear People Conflicts. M. Bromley, ed. pp. 111-119. Yellowknife, Northwest Territories, Canada: Canadian Government of Northwest Territories.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /
Project Leader Approval: LESLIE KERR 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System: Paul J. Joy 2/17/06
(Signature) (Date)

Mandatory 15-Year Re-Evaluation Date: January 2021

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Reburial of Archaeological Human Remains per State and Federal Guidelines

Primary Use: Use (other)—Reburial of archaeological human remains

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), camping, hiking and backpacking, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), fixed-wing aircraft, cemetery

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

The Refuge anticipates requests to rebury human remains eroding from recorded and unrecorded prehistoric sites and remains that have been removed from prehistoric sites. The inadvertent-discovery section of the Native American Graves Protection and Repatriation Act of 1990 (Public Law 101-601) requires that the land-management agency identify and notify the closest Native group and then, if requested, provide for the repatriation of the remains. With this in mind, the Refuge has prepared this compatibility determination to cover an expected average of one burial request annually over the next 10 years. Each proposed burial and its proposed reburial location would need to be approved by the Regional Historic Preservation Officer, who will ensure compliance with the National Historic Preservation Act Section 106 prior to issuance of a permit for this activity.

Reburial of repatriated human remains would take place near the place of discovery of such remains or near their original burial place. Each burial would involve a small excavation with hand tools. Impacts to Refuge resources would be negligible and short-term, with no foreseeable long-term effects, and would not affect subsistence use of the Refuge. A copy of the Global Positioning System (GPS) coordinates and contents of the burial site will be filed at Refuge headquarters and with the Regional Historic Preservation Officer. The remains should be buried with a modern object (e.g., coin, button—with date) to indicate it is a historical reburial.

Availability of Resources

Except for issuance of the permit, no Refuge resources would be needed to administer use. All activities associated with use would be accomplished by the permittee.

Anticipated Impacts of the Use

Reburials would result in minimal and short-term impacts to Refuge resources, involving a few small-scale excavations with hand tools and then internment of the remains.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination.

Determination

☐ Use is Not Compatible

☒ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required.

Note that the following special conditions for a special use permit for Reburial of Archaeological Human Remains per State and Federal Guidelines will be updated to reflect changes, if any, due to step-down plans completed in the future.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee's employees do not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- The permittee or party chief shall notify the Refuge Manager during Refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) name and method of contact for the field party chief/supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of crew members, and (2) any changes in information provided in the original permit application.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee except for cabins and tent frames is to be removed from Refuge lands upon completion of permitted activities.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- The use of helicopters is prohibited.
- Unauthorized fuel caches are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.

Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the party leader's possession at all times while exercising the privileges of the permit.
- Cabins on Refuge lands shall not be used by the permittee without the permission of the Refuge Manager except in cases of dire emergency for survival purposes.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- Reburial of repatriated human remains will take place near the place of discovery of such remains and/or near the place of their original burial.
- The permittee or permittees' representatives will make the smallest possible excavation, using only hand tools.
- The Global Positioning System (GPS) coordinates and a list of the contents of the burial site will be filed at Refuge headquarters and with the Regional Historic Preservation Officer within 30 days of burial.
- Remains shall be buried with a modern object (e.g., coin, button, etc.—with date) to indicate that it is a historical reburial.
- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.

Justification

The proposed use is limited and short-term and thus will result in minimal impact to Refuge resources. This use is necessary for the Refuge to comply with the Native American Graves Protection and Repatriation Act of 1990. It will not interfere with nor detract from the National Wildlife Refuge System mission or the purposes of the Refuge.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.

U.S. Fish and Wildlife Service, 1994. Native American Policy. U.S. Fish and Wildlife Service National Policy Issuance #94-10 and appendix. Washington, D.C. 13 pages, available at http://policy.fws.gov/npi94_10.html.

U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /

Project Leader Approval:

LESLIE KERR

(Signature)

2-17-2006

(Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

Paul J. Fay

(Signature)

2/17/06

(Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

☐ Categorical Exclusion without Environmental Action Memorandum

☐ Categorical Exclusions and Environmental Action Memorandum

☐ Environmental Assessment and Finding of No Significant Impact

☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Recreational Fishing

Primary Use: Fishing (general and other)

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), hunting (big game), hunting (other migratory birds), hunting (upland game), hunting (waterfowl), hunting (other), plant gathering, rock collecting, trapping, natural resource collecting, camping, hiking and backpacking, pets, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), swimming and beach use, outdoor recreation (other), photography (wildlife), wildlife observation, fixed-wing aircraft

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

Kodiak Refuge is renowned for its recreational fishing opportunities and provides excellent opportunities to catch a number of fish species. Angling opportunities include fishing for five species of Pacific salmon and steelhead, rainbow trout, Dolly Varden, and Arctic char. Recreational fishing on the Kodiak archipelago predates Refuge establishment and has been occurring on the Refuge since its establishment in 1941. Associated activities such as camping, backpacking, hiking, and other incidental uses are considered part of wildlife-dependent fishing activities.

Recreational settings on the Refuge are remote and inaccessible by road. Traditional forms of access for all areas on the Refuge include fixed-wing aircraft, motorboats, nonpowered boats, hiking, and other nonmotorized means. However, the vast majority of visitors participating in the subject activities access the Refuge by commercial air taxis. The most common means of access by the relatively few recreational users not using commercial transporters is private aircraft and boats.

Recreational fishing use patterns are estimated primarily from direct observation by Refuge staff and from annual reports provided by air-taxi operators, who transport nearly all recreational anglers to the Refuge. Air-taxi operators provide information on primary activity, location, length of stay, group size, and related items.

Most recreational fishing occurs from May through October. The annual number of visitor use days associated with recreational fishing for the last seven years varied from 2,722 in 1998 to 3,829 in 2003. During the same time, unguided recreational fishing varied from 1,355 use days in 1997 to 2,151 use days in 2002. Guided angling accounts for about half of all Refuge recreational fishing and is evaluated in a separate compatibility determination. Recreational fishing accounts for slightly more than one-third of overall annual public use on the Refuge. Annual recreational fishing effort in the overall Kodiak area has generally been stable over the last 10 or more years. Recreational fishing on the Refuge is anticipated to grow about 20 percent during the 15-year life of the revised conservation plan.

The most popular destinations on the Refuge for unguided recreational fishing include the Akalura, Ayakulik, Brown's Lagoon, Deadman, Dog Salmon, Horse Marine, Karluk, Little River, Spiridon, Uganik, and Zachar drainages.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage recreational fishing at existing and projected levels. Administrative staff time primarily involves phone conversations, written correspondence, issuing permits for Koniag easement lands on the Karluk River, and personal interaction with visitors at the visitor center. There is also additional work entering activity data into a database for analysis. Field work associated with administering the program primarily involves conducting law enforcement patrols to increase visitors' compliance with state and federal regulations and to foster respect for local residents' activities and property. Refuge camps are operated on the Ayakulik and Karluk Rivers during the king salmon fishing season (June 1 to July 15) for law enforcement purposes and to provide assistance to visitors to minimize the potential for undesirable human-bear encounters and conflicts between

visitors. Monitoring of recreational fishing is also performed through creel surveys and visitor studies on the more popular river systems (e.g., Ayakulik, Karluk, and Uganik).

Anticipated Impacts of the Use

Comprehensive state and federal regulations continually evolve to respond to fishery management needs. Regulations combined with law enforcement by the state and Refuge personnel minimize impacts from the recreational fishing to fish and wildlife, other Refuge resources, and other Refuge users. Potential impacts to Refuge resources and/or other Refuge users are greatest at several of the more popular use areas such as the Ayakulik River. The presence of recreational anglers, as with other human presence, could displace bears from critical feeding areas. The O'Malley River area closure protects feeding bears at this sensitive area from adverse effects of angling and other activities. The revised conservation plan would address these impacts through the step-down management planning process.

Recreational fishing activities result in minimal competition or interference with subsistence users and/or other Refuge users for limited number of resources or preferred campsite and use areas. However, both the Federal Subsistence Board and State Board of Fisheries regularly adopt regulations in response to fish population levels and management needs to reduce impacts to these resources. By doing this, there is the continued opportunity for subsistence uses of these species by local residents. Numerous regulation changes have been made by these boards in recent years to address the Refuge's fish and resource management needs. To address various concerns, the Refuge has also imposed permit restrictions on commercial transporters in recent years. The estimated harvest of fish resources is well within the limits established in Alaska Department of Fish and Game and Kodiak Refuge management plans.

The vast majority of recreational anglers access the Refuge by commercial air taxis that predominantly land on lakes and rivers with float-equipped aircraft. Impacts associated with transporter access are discussed in a separate compatibility determination specific to that use.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination. There were comments recommending motorboat and aircraft access to the refuge be restricted. As explained below, access by airplanes and motorboats for traditional activities is provided by ANILCA and has been found to be compatible. Should motorized transportation grow to levels where it interferes with Refuge purposes, the Refuge would take actions necessary to address compatibility concerns.

Determination

☐ Use is Not Compatible

☒ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

No special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Revision of the public use management plan will be used to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of wildlife-dependent recreation and other compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring will be carried out to ensure compliance with the following conditions to minimize impacts on Refuge lands and resources.

Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.

Visitors will also be strongly encouraged to comply with voluntary guidelines adopted for wildlife viewing and photography and associated activities.

Justification

The National Wildlife Refuge System Administration Act (as amended by the Refuge Improvement Act) identifies compatible fishing as one of six priority public uses of national wildlife refuges. The law states that, when managed in accordance with principles of sound fish and wildlife management, administration of these uses has been, and is expected to continue to be, generally compatible and that that priority public uses should receive enhanced consideration over other general public uses in refuge planning and management. The law also states that the Service should provide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities such as fishing.

Access by airplanes, motorboats, and nonpowered means for traditional activities, as provided by ANILCA and as currently regulated by the Service, have not materially interfered with or detracted from Refuge purposes. Should motorized transportation grow to levels where it interferes with Refuge purposes, the Refuge would work with anglers and Alaska Department of Fish and Game to address impacts and resolve compatibility concerns.

Recreational fishing is an activity that Congress intended to preserve when the Refuge was redesignated by ANILCA. As stated previously, recreational fishing on the Refuge provides the public with high-quality, safe, and unique recreational fishing opportunities found few places elsewhere in the world. To reduce impacts to fishery resources and to provide the continued opportunity for subsistence uses of these species by local residents, both the Federal Subsistence Board and State Board of Fish regularly adopt regulations in response to fish population levels and management needs. These regulations provide adequate protection for the Refuge's fishery resources, continued subsistence opportunities, and other Refuge purposes.

Supporting Documents

U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.

U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.

U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /

Project Leader Approval:

LESLIE KERR

(Signature)

2-17-2006

(Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

Todd J. Grogan

(Signature)

2/17/06

(Date)

Mandatory 15-Year Re-Evaluation Date: January 2021

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Recreational Hunting

Primary Use: Hunting (big game, other migratory birds, upland game, waterfowl, other)

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), fishing (general), fishing (other), plant gathering, rock collecting, trapping, natural resource collecting, camping, dog training (including field trials), hiking and backpacking, pets, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), swimming and beach use, outdoor recreation (other), photography (wildlife), wildlife observation, fixed-wing aircraft

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

Recreational hunting is re-evaluated in this determination. Kodiak Refuge is famous for brown bear hunting. The Refuge also provides opportunities to hunt Sitka black-tailed deer, Roosevelt elk, and mountain goat. Recreational hunting predates Refuge establishment and has been occurring on the Refuge since its establishment in 1941. Associated activities such as camping, backpacking, hiking, and other incidental uses are considered part of recreational hunting. The majority of hunting has been for brown bear and Sitka black-tailed deer (the latter having been introduced in 1924). Roosevelt elk are hunted on Afognak Island, and mountain goats are hunted on Kodiak Island.

Recreational hunting seasons on Kodiak Refuge begin with spring bear season from April 1 through May 15 annually. Deer season runs from August 1 through December 31. Goat hunting runs from August 20 through October 25 and November 1 through December 15. Fall bear season is from October 25 through November 30. Elk hunts are offered from September 25 through November 30, although not all areas of the archipelago are open to elk hunting at the same time. One brown bear may be harvested every four years, and one elk and one goat may be harvest annually. All bear, elk, and goat hunting is by registration or drawing permits. Deer hunters currently may harvest as many as to three deer annually. The state changes deer harvest limits based on the size of deer populations.

Hunting for small game and waterfowl also occurs on the Refuge, as allowed by state regulations. Small-game and waterfowl hunting often occurs in conjunction with big-game hunts and fall fishing excursions. The number of recreational use days for small-game and waterfowl hunting on the Refuge is unknown, but is minimal in comparison with big-game hunting recreational use days.

Recreation settings on the Refuge are remote and inaccessible by road. Traditional forms of access to the Refuge include fixed-wing aircraft, motorboats, and nonmotorized means. However, the vast majority of visitors access the Refuge by commercial air taxis or charter boats. The most common means of access by recreational hunters not using commercial transporters is private airplane or boat.

Recreational hunting use is estimated primarily from direct observation by Refuge staff and annual reports provided by air-taxi operators, who transport nearly all recreational hunters to locations on the Refuge. Air-taxi operators provide visitor information, including primary activity, location, length of stay, and group size.

In most years, recreational hunting constitutes more than half of all recreation use on the Refuge. Over the last seven years, hunting has averaged more than 4,000 use days per year. From 1997 to 2001, deer hunting varied from 3,287 use days in 1997 to 712 use days in 2000. The decline in hunting use over the period is directly related to a decrease in the deer population due to the severe winter of 1998–1999. Brown ear hunting for the same time period ranged from a high of 2,086 use days in 1999 to a low of 1,329 use days in 1997. Goat hunting ranged from a low of 206 use days in 2000 and a high of 303 use days in 2001. Harvest figures presented in the next paragraph are for the entire archipelago and do not distinguish the specific harvest from the Refuge. All recreational hunting on Kodiak Refuge is under State of Alaska regulations.

It is estimated that about 40 percent of deer harvest in the Kodiak Archipelago occurs on the Refuge. Kodiak Archipelago deer harvest during the last 10 years has ranged from an estimated 10,401 deer harvested in the 1994–1995 season to 2,491 deer harvested in the 2000–2001 season. Bear harvest in the archipelago has been relatively stable over the last 20 years with a 10-year average annual harvest of 160 brown bears from the 1990–1991 to 2000–2001 harvest seasons. Alaska Department of Fish and Game attributes annual variations to weather and hunter participation. Bears are managed by Alaska Department of Fish and Game under the *Kodiak Archipelago Bear Conservation and Management Plan*, which was completed with full Refuge participation in 2002.

Mountain goat harvest is managed by the State of Alaska using a permit hunting season. From the 1996–1997 hunting season through the 2000–2001 hunting season, mountain goat harvest in the archipelago has averaged 62 goats per year, ranging from 54 to 70 goats harvested. Alaska Department of Fish and Game biologists (VanDaele and Crye 2002) believe that goats now occupy almost all suitable habitats on the Refuge and that the goat population is the maximum that can be sustained.

Elk harvest from 1996 through 2001 has ranged from a low of 66 in the 2000–2001 season to a high of 181 in the 1998–1999 season. This decline in harvest is related to a decline in population due to winter kill, according to Alaska Department of Fish and Game (VanDaele and Crye 2002).

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage recreational hunting activities at existing and projected levels. Administrative staff time primarily involves phone conversations, written correspondence, and personal interaction with visitors at the visitor's center. There is also additional work entering activity data into a database for analysis. Field work associated with administering the program primarily involves conducting law enforcement patrols to increase recreational hunter compliance with state and federal regulations and to foster respect for local residents' activities and property.

Anticipated Impacts of the Use

Comprehensive state and federal regulations continually evolve to respond to wildlife management needs. Combined with law enforcement efforts by state and Refuge personnel, regulations minimize recreational hunting impacts to wildlife resources, Refuge users, and other Refuge resources.

Recreational hunting may result in some competition with subsistence users and/or other Refuge users for the limited number of resources and preferred campsite and use areas. However, both the Federal Subsistence Board and State Board of Game regularly adopt regulations in response to wildlife population levels and management needs. These regulations reduce impacts to the Refuge's resources and allow the opportunity for continued subsistence uses of these species by local residents. Numerous regulation changes have been made by these boards in recent years to address the Refuge's wildlife resource management needs.

The estimated harvest of these wildlife resources is well within the limits established in various state management plans. Past impact evaluations and studies have focused

primarily on impacts to the brown bear and deer populations. Displacement of bears from favored feeding streams was demonstrated to be within acceptable limits.

Refuge officers and State Troopers routinely patrol the Refuge to increase compliance with state and federal regulations. A majority of hunters access the Refuge by landing on lakes and rivers with float-equipped aircraft, minimizing impacts to Refuge habitat. A potential impact or threat associated with floatplane access is the introduction of invasive species carried on the aircraft floats. Although it is not known or proved to have occurred on the Kodiak archipelago to date, invasive species spread is being monitored.

"According to a 2003 analysis conducted by the Institute for Social and Economic Research at the University of Alaska Anchorage, recreational hunting on Kodiak Refuge contributes about \$678,000 in payroll and 25 average annual jobs to the Alaska economy each year. Average annual jobs are calculated by dividing payroll by the average annual pay for a job related to the hunting industry (guiding and support services). Due to the seasonal nature of hunting, the number of jobs during peak periods is much greater than the annual average. Payroll figures are based on Refuge visitor numbers and estimated expenditures; they do not include hunting activities that occur outside the Refuge, although those activities may partially depend on Refuge wildlife and habitat resources."

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination. There were comments recommending motorboat and aircraft access to the refuge be restricted. As explained below, access by airplanes and motorboats for traditional activities is provided by ANILCA and has been found to be compatible. Should motorized transportation grow to levels where it interferes with Refuge purposes, the Refuge would take actions necessary to address compatibility concerns.

Determination

☐ Use is Not Compatible

☒ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

No special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Revision of the public use management plan will be used to identify specific management to ensure that this activity continues to remain compatible with Refuge purposes. This includes monitoring of wildlife-dependent recreation and other compatible activities. Findings from monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring will be carried out to ensure compliance with the following conditions to minimize impacts on Refuge lands and resources.

Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.

Visitors will also be strongly encouraged to comply with voluntary guidelines adopted for wildlife viewing and photography and associated activities.

Justification

All lands in the Kodiak Refuge are open to general public access except the O'Malley area, which is seasonally closed to the public from June 25 through September 25. The National Wildlife Refuge System Administration Act of 1966 (as amended by the Refuge Improvement Act) identifies recreational hunting as one of six priority public uses of National Wildlife Refuge System lands. The law states that, when managed in accordance with principles of sound fish and wildlife management, administration of these uses has been and is expected to continue to be generally compatible and that that priority public uses should receive enhanced consideration over other general public uses in refuge planning and management. The law also states that the Service should provide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities such as hunting.

Access by airplanes, motorboats, and nonpowered means for traditional activities, as provided by ANILCA and as currently regulated by the Service, have not materially interfered with or detracted from Refuge purposes. Should motorized transportation grow to levels where it interferes with Refuge purposes, the Refuge would work with hunters and Alaska Department of Fish and Game to address impacts and resolve compatibility concerns.

Recreational hunting is an activity that Congress intended to preserve when the Refuge was established by ANILCA. As stated previously, recreational hunting on the Refuge provides the public with high-quality, safe, and unique hunting opportunities found few places elsewhere in the world. To reduce impacts to wildlife resources and to provide the continued opportunity for subsistence uses of these species by local residents, both the Federal Subsistence Board and State Board of Fish regularly adopt regulations in response to wildlife population levels and management needs. These regulations provide adequate protection for the Refuge's wildlife resources, continued subsistence opportunities, and other Refuge purposes.

Supporting Documents

- Alaska Department of Fish and Game. 2003. Alaska hunting regulations effective dates July 1, 2003–June 30, 2004, governing general, subsistence, and commercial uses of Alaska's wildlife. Juneau, Alaska. Viewed on April 20, 2004 at www.state.ak.us/adfg/wildlife/wildmain.htm.
- Alaska Department of Fish and Game. 2002. *Kodiak Archipelago Bear Conservation and Management Plan*. Alaska Department of Fish and Game, Anchorage, Alaska. 240 pp.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.

- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.
- VanDaele, L.J., and J.R. Crye. 2001. pp. 75–99 in “Brown Bear Management Report of Survey-Inventory Activities, 1 July 1998–30 June 2000.” C. Healy, ed. Project 4.0. Juneau, Alaska: Alaska Department of Fish and Game.
- VanDaele, L.J., and J.R. Crye. 2002. pp. 134–174 in “Mountain Goat Management Report of Survey-Inventory Activities, 1 July 1999–30 June 2001.” C. Healy, ed. Project 13.0. Juneau, Alaska: Alaska Department of Fish and Game.
- VanDaele, L.J., and J.R. Crye. 2002. pp. 10–23 in “Elk Management Report of Survey-Inventory Activities, 1 July 1999–30 June 2001. C. Healy, ed. Project 12.0. Juneau, Alaska: Alaska Department of Fish and Game.
- VanDaele, L.J., and J.R. Crye. 2002. pp. 106–123 in “Deer Management Report of Survey-Inventory Activities, 1 July 2000–30 June 2002. C. Healy, ed. Juneau, Alaska: Alaska Department of Fish and Game.

Refuge Determination

Refuge Manager /

Project Leader Approval:

LESLIE KERN

(Signature)

2-17-2006

(Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

Paul J. Fay

(Signature)

2/17/06

(Date)

Mandatory 15-Year Re-Evaluation Date : January 2021

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Residence Permit

Primary Use: Residential

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), fishing (general), fishing (other), hunting (big game), hunting (other migratory birds), hunting (upland game), hunting (waterfowl), hunting (other), plant gathering, rock collecting, trapping, natural resource collecting, pets, fishing (subsistence), gathering (subsistence), hunting (subsistence), trapping (subsistence), subsistence (other)

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates the retained occupancy residence special use permit. Since 1988, authorization has been granted to Jeanne Shepherd to occupy a residence located on Kodiak Refuge in the east arm of Uganik Bay. The permit authorizes the home and associated structures including a generator shed, outhouses, banya, smokehouse, drying shed, shop, tool shed, three greenhouses, a water box, a woodshed, chicken coop, duck coop, and four garden plots. This special use permit was issued to resolve a problem that resulted from a faulty survey. The house and related facilities were purchased in 1981 under the assumption that they were located on U.S. Survey 260. Subsequently, it was determined that the house and associated structures are located on Refuge lands. Negotiations between the owner and the Service resulted in a decision to allow continued occupancy. Ms. Shepherd has demonstrated excellent compliance with all special conditions of her special use permit for more than 20 years.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage this special use. Administrative staff process paperwork associated with the permits and field staff conducts periodic inspections to ensure compliance with terms of the special use permits.

Anticipated Impacts of the Use

Continued occupancy of the residence and associated facilities has potential to cause adverse bear-human encounters. Physical impacts from construction of the residence and other facilities occurred when they were built. Special conditions attached to the special use permit are designed to minimize the chances of adverse effects to bears and other resources. The structures have been in place for more than 20 years; thus any bear or other wildlife displacement that may have occurred has happened. Most bears using these areas are likely habituated to the presence of these structures and the activities that routinely occur in and near them.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination.

Determination

_____ Use is Not Compatible

X _____ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required.

Monitoring of the permit will be carried out to ensure compliance with the following conditions to minimize impacts on Refuge lands and resources.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The use of helicopters is prohibited.
- Unauthorized fuel caches are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.
- Subject to available suppression resources, all permitted cabins will be protected from wildfire to the extent possible. Human safety will receive the highest priority consideration by land managers and fire-suppression personnel.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- A copy of this special use permit must be on the premises at all times while exercising the privileges of the permit.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- A nonrefundable administrative fee will be assessed prior to issuing this permit.
- Additions or alterations to existing structures and construction of new facilities must have the Refuge Manager's prior approval in writing.

- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.

Justification

Although the Refuge would not authorize additional residences, as stated previously, more than 20 years ago the homeowner purchased the property in good faith with no knowledge that the building was located on Refuge lands. Continued occupancy of the residence at the very edge of the Refuge immediately adjacent to private lands has negligible effects on Refuge resources or users. Authorizing continued occupancy allows the homeowner use of her home; special conditions contained in the special use permit provide the Refuge a high level of control over use and occupancy of the residence and related facilities to ensure continued compatibility. The permit holder has always complied fully with all special conditions of her permit. Her residence and related structures are well maintained and used in a fashion to minimize any opportunities for adverse effects to bears and other Refuge resources.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /
Project Leader Approval: LESLIE KENNEL 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System: Bob J. Joy 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date : January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Scientific Research

Primary Use: Research and surveys

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), environmental education (not conducted by refuge staff or authorized agents), environmental education (other), interpretation (not conducted by refuge staff or authorized agents), fishing (general), fishing (other), plant gathering, rock collecting, trapping, natural resource collecting, camping, cross-country skiing, hiking and backpacking, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), snorkeling or scuba diving, snowshoeing, swimming and beach use, outdoor recreation (other), scientific collecting, photography (wildlife), wildlife observation, fixed-wing aircraft.

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United

States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This compatibility determination addresses the full spectrum of uses associated with the scientific research on fish, wildlife, habitat, and other Refuge resources. It includes all means of access, lodging and facilities, and other elements identified in the research proposal. The scope of this determination includes research conducted by all agencies or entities other than the Service and the Alaska Department of Fish and Game or in cooperation with the Service. Specific authorized means of access for all areas on the Refuge will be described in each special use permit. Potential means of access include fixed-wing aircraft, motor boats, nonpowered boats, hiking, snowshoeing, and cross-country skiing. Potential lodging and facilities include tents, tent frames, weatherports, existing cabins, and caches. Most research would occur during spring, summer, and fall, but winter research is also possible. If any activities are performed for commercial purposes, a separate commercial use special use permit would be required before going into the field. For example, commercial photography, video or filming must have an Other Public Uses special use permit.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage research activities at existing and projected levels. Administrative staff time primarily involves phone conversations, written correspondence, proposal review, and interaction with researchers. Field work associated with administering the program primarily involves monitoring researchers' compliance with the terms of their permits.

Anticipated Impacts of the Use

The Refuge Manager will assist the applicant with obtaining appropriate collection permits for research involving fish and wildlife. Factors such as targeted research species, number of researchers, transportation modes, number of aircraft and amount of aircraft use, fuel storage, garbage and human waste management, type and location of lodging, and location of access points will determine the extent of impacts on the Refuge. Special conditions the Service imposes on scientific research and associated activities would ensure these activities would not have significant impacts on the wildlife resources; other Refuge resources such as water quality, soil, and vegetation; and other Refuge users, especially subsistence users.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination.

Determination

☐ Use is Not Compatible

☒ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- The permittee is responsible for ensuring that all employees, party members, contractors, aircraft pilots, and any other persons working for the permittee and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee and permittee's employees do not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- The permittee or party chief shall notify the Refuge Manager during Refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- Prior to beginning any activities allowed by this permit, the permittee shall provide the Refuge Manager with: (1) name and method of contact for the field party chief/supervisor; aircraft and other vehicle types to be used, identification information for these vehicles; and names of crew members, and (2) any changes in information provided in the original permit application.
- Unless the permit is for archaeological work, in accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee

except for cabins and tent frames is to be removed from Refuge lands upon completion of permitted activities.

- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- Unauthorized fuel caches are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.
- Construction of cabins or other permanent structures is prohibited.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.
- A copy of this special use permit must be in the party leader's possession at all times while exercising the privileges of the permit.
- Cabins on Refuge lands shall not be used by the permittee without the permission of the Refuge Manager except in cases of dire emergency for survival purposes.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- The permittee shall provide the Refuge Manager with a report of activities under this permit within 30 days of permit expiration.
 - If any activities are performed for commercial purposes, a special use permit for Other Public Uses would be required before going into the field.
- This special use permit specifically does not authorize the following:
 - Construction of blinds, stands or any other structures
 - Baiting, feeding, harassing, herding, or any other activity that changes, or attempts to change, normal behavior, this includes but is not limited to bears, fox, deer, and eagles
 - Commercially guided activities as described in attachment (a) Refuge Guide and Other Visitor Service Definitions.

- All aircraft being used in commercial operations must have 12-inch identification numbers in contrasting colors, which are readily visible.
- Helicopter use must be specifically authorized and the transporter must have a valid special use permit from Kodiak National Wildlife Refuge.
- Motorboat operators must possess U.S. Coast Guard (USCG) licenses for all passenger-carrying operations, if required by USCG regulations.
- The discharge of firearms is prohibited, except in conjunction with authorized hunting seasons or for protection of life or property.
- Any action by a permittee or the permittee's employees that unduly interferes with or harasses other Refuge visitors or impedes access to any site is strictly prohibited. Examples of prohibited acts include, but are not limited to, low flights over camps or persons at less than 500 feet (unless landing) and parking aircraft or placing other objects on any landable area to restrict use by other aircraft of persons.
- All information, reports, photos, data, collections, and observations obtained as a result of this permit must be accessible from the permittee at any time upon request by the Service at no cost, unless specific arrangements are made to the contrary. The Service recognizes the proprietary nature of scientific data and will respect the researchers' privileged position regarding first publication. These data may be used in resource management decisions by the Service prior to their publication, however. Proprietary data of commercial value will be treated confidentially upon request, but may also be used in management decisions.
- Prior to implementing field work, the permittee must provide documentation that activities that involve an invasive procedure or that harm or materially alter the behavior of an animal under study, and the proposed procedures, have been reviewed and approved by a recognized Institutional Animal Care and Use Committee (IACUC) as required by the Animal Welfare Act.

Justification

Natural and social science information is necessary for the proper management of the National Wildlife Refuge System. It is Service policy to encourage and support research and management studies to provide scientific data that leads to decisions regarding management units in the refuge system.

The Service will also permit the use of a refuge by other investigators for scientific purposes when such use is compatible with the purposes for which the refuge is managed. Priority will be given to studies that contribute to the enhancement, protection, use, conservation, and management of native wildlife populations and their habitats in their natural diversity. All proposed research conducted by other agencies or entities will be thoroughly evaluated prior to authorization and then monitored closely to ensure that the activities do not materially interfere with or detract from the purposes of the Refuge or the mission of the National Wildlife Refuge System.

Supporting Documents

U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.

U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.

U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /
Project Leader Approval: USFWS KBRN 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System: Red J. [Signature] 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

☐ Categorical Exclusion without Environmental Action Memorandum
☐ Categorical Exclusions and Environmental Action Memorandum
☐ Environmental Assessment and Finding of No Significant Impact
☐ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Snowmachines (Snowmobiles)

Primary Use: Snowmachines

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), hunting (big game), hunting (upland game), trapping, natural resource collecting, camping, cross-country skiing, photography, video, filming, audio recording (nonwildlife-dependent, recreational —other), snowshoeing, outdoor recreation (other), research, scientific collecting, surveys, gathering (subsistence), hunting (subsistence), trapping (subsistence), subsistence (other), photography (wildlife), wildlife observation.

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates use of snowmachines (snowmobiles) for access to Kodiak Refuge. The Code of Federal Regulations defines a snowmachines as “a self-propelled vehicle intended for off-road vehicle travel primarily on snow [and] having a curb weight of not more than 1000 pounds, driven by track or tracks in contact with the snow and driven by a ski or skis in contact with the snow (50 CFR 36.32).” The Code of Federal Regulations also requires that snowmachines are only allowed during periods of adequate snow cover. Adequate snow cover is snow cover that will protect underlying vegetation from adverse effects. Snowmachine use occurs during winter and would continue to all accessible areas of the Refuge except for an area around Den Mountain, which would be closed to snowmachine use to protect denning brown bears.

Although the exact amount of snowmachine use on the Refuge is not documented, it is not believed to be substantive. Prior to passage of ANILCA in 1980, snowmachines were prohibited on Refuge lands by regulation. The relatively warm maritime climate and steep topography of Kodiak Island make the use of snowmachines at low elevations impractical during many winters. Some snowmachine use does occur at higher elevations and at lower elevations during snowy and cold winters.

There is a recreational snowmachine club in the city of Kodiak. Club activities include some trips to high elevation areas from the Anton Larsen Road (off-Refuge) and occasional trips to Port Lions using a route that may include Refuge lands. Snowmachines have also been used occasionally to access high-elevation areas along the northern Refuge boundary in the Terror Lake vicinity. Only two of the four villages bordering the Refuge have a past history of snowmachine use, according to information provided at public meetings for the original comprehensive conservation plan.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage this limited use. Monitoring can be conducted by talking with snowmachine club members and local residents and, during winter and spring, overflights of the Refuge conducted for other purposes.

Anticipated Impacts of the Use

Potential impacts of snowmachine use include disturbing underlying vegetation and wildlife. Denning bears are most susceptible to snowmachine disturbance. Denning bears disturbed by ill-advised or uninformed snowmachine use by just one individual could cause bears to abandon dens and newborn cubs incapable to travel (Jonkel 1980). The proposed seasonal closure of the Den Mountain area would protect denning brown bears in the area. These bears would continue to exhibit natural, wild patterns of activity and habitat use if the area is less accessible to snowmachine use. Snowmachine tracks have been observed entering the Refuge near Viekoda River and traversing parts of Baumann Creek (Wilker 2004). However, this area was not recommended for seasonal closure because denning habitat at Baumann Creek is comprised of cliffs and very steep terrain situated in upper slopes of a canyon. Though snowmachines can access the lower canyon floor and highlands above the canyon, physical barriers prevent penetration of denning habitat. Though snowmachine tracks have been observed within and adjacent to the Den Mountain area, none have been observed in the denning area of Baumann Creek.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination, however there were many comments about snowmachine use on the refuge. The Wilderness Society and the Defenders of Wildlife expressed concerns about snowmobile use and questioned why only one denning area was proposed for closure to snowmachine use. Additional information explaining that the bear denning area adjacent to Baumann Creek is not accessible by snowmachines was added to the impacts section of this compatibility determination.

Determination

_____ Use is Not Compatible

X Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

No special use permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring will be carried out to ensure compliance with laws and regulations and to minimize impacts on Refuge lands and resources.

- The Den Mountain Area will be closed to snowmobile use to protect denning brown bears.
- Snowmobile use is only allowed during periods of adequate snow cover as defined in regulation 50 CFR 36.2.

Justification

Snowmachines allow access for winter activities on the Refuge. The proposed closure to snowmachine access to the Den Mountain area will protect the denning bears in this sensitive area from possible adverse effects due to snow machine use. Snowmachine access to other sensitive bear denning areas is unlikely. Regulations defining the size and weight of snowmachines coupled with the requirement that adequate snow cover be present eliminate most potential for damage to habitat. The low levels of snowmachine use on Kodiak Refuge would have negligible adverse effects on other wildlife and would allow the public to visit the Refuge during winter.

Supporting Documents

- Jonkel, C. J. 1980. "Black, brown, and polar bears." Pages 227–228 in *Big game of North America: ecology and management*. J. L. Schmidt and D.L. Gilbert, eds. Harrisburg, Pennsylvania: Stackpole Books.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.

U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak. 202 pp.

U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Wilker, Greg. 2004. Personal communication with Leslie Kerr about impacts to bears, March 13, 2004.

Refuge Determination

Refuge Manager /

Project Leader Approval: USFWS Kerr 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System:

Paul J. Fog 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
☐ Categorical Exclusions and Environmental Action Memorandum
☐ Environmental Assessment and Finding of No Significant Impact
☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: State of Alaska Management Activities

Primary Use: Uses (other)—State of Alaska management activities

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), environmental education (not conducted by refuge staff or authorized agents), interpretation (not conducted by refuge staff or authorized agents), fishing (general), fishing (other), plant gathering, rock collecting, trapping, natural resource collecting, camping, cross-country skiing, hiking and backpacking, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), snorkeling or scuba diving, snowshoeing, swimming and beach use, outdoor recreation (other), research, scientific collecting, surveys, photography (wildlife), wildlife observation, fixed-wing aircraft and helicopter access, tree harvest (firewood).

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United

States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This compatibility determination addresses routine management activities conducted by the Alaska Department of Fish and Game and the Alaska Bureau of Wildlife Enforcement State Troopers that are not cooperative projects with the Service. These projects may not be encompassed by the Master Memorandum of Understanding between the Alaska Department of Fish and Game, Juneau, Alaska, and the U.S. Fish and Wildlife Service, Department of the Interior, Anchorage, Alaska, signed March 13, 1982, and/or be law enforcement activities conducted by Alaska Bureau of Wildlife Enforcement State Troopers. This includes the following activities: fish and wildlife surveys conducted by boat, foot, or other means not restricted by regulation or policy; aircraft landings in support of aerial fish and wildlife surveys; vegetation and habitat classification and surveys; and law enforcement activities.

This compatibility determination does not address predator management, fish and wildlife control (with the exception of animals taken in defense-of-life-or-property), reintroduction of species, non-native species management, pest management, disease prevention and control, fishery restoration, fishery enhancement, native fish introductions, non-native species introductions, construction of facilities, or any other unpermitted activity that could alter Refuge ecosystems. Separate compatibility determinations addressing specific proposals will be required for those activities. All management and research activities conducted by the Alaska Department of Fish and Game under a specific cooperative agreement with the Fish and Wildlife Service to fulfill one or more purposes of the Refuge or the National Wildlife Refuge System mission are not subject to a compatibility determination.

Potential means of access include fixed-wing aircraft, motorboats, snowmachines, nonpowered boats, foot, snowshoes, and cross-country skis. Helicopter access is addressed in a separate compatibility determination. Potential lodging and facilities include tents, tent frames, tent platforms, weatherports, existing permitted cabins, and caches.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage activities at existing and projected levels. Administrative staff time (as many as 10 staff days per year) primarily involves phone conversations, written correspondence, and personal interaction with state personnel regarding ongoing activities. Field work associated with administering the program primarily involves monitoring (when applicable) the state's activities to ensure all activities remain compatible.

Anticipated Impacts of the Use

Because Alaska Department of Fish and Game and Bureau of Wildlife Enforcement personnel are trained professionals, the Service anticipates that routine law enforcement and fish and wildlife monitoring and management activities would have positive overall impacts on wildlife resources, other Refuge resources (such as water quality, soil, and vegetation), and Refuge visitors. These positive impacts would support Refuge purposes and goals and the Service mission.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination.

Determination

_____ Use is Not Compatible

X _____ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A compatibility determination is not required for state activities on Refuge lands where an established agreement is in place. Refuge staff will monitor state activities on the Refuge. Findings from these monitoring efforts will be used to determine what additional management actions, if any, would be needed to ensure state activities remain compatible with Refuge purposes and in compliance with established agreements.

Justification

The State of Alaska and the Service are partners in the management of many resources on Kodiak Refuge. Natural and social science information is necessary for the proper management of the National Wildlife Refuge System. It is the policy of the Service to encourage and support research and management studies to provide scientific data upon which decisions regarding management of units of the Refuge system may be based. State research, management, and law enforcement activities support achieving Refuge purposes and goals and the System mission and would have favorable impacts on Refuge resources and wildlife-dependent priority public uses.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /
Project Leader Approval: LESLIE KENN 2-17-2006
(Signature) (Date)

Chief
National Wildlife
Refuge System: Paul J. [Signature] 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date: January 2016

NEPA Compliance for Refuge Use Decision

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Subsistence Activities

Primary Uses: Fishing (subsistence), gathering (subsistence), hunting (subsistence), and subsistence (other).

Supporting Uses: Tree harvest (firewood), boating (electric and wind-driven), boating (human-powered), boating (motorized), rock collecting, trapping, natural resource collecting, camping, cross-country skiing, dog sledding and ski touring, hiking and backpacking, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), snorkeling or scuba diving, snowshoeing, swimming and beach use, outdoor recreation (other), photography (wildlife), wildlife observation, fixed-wing aircraft.

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

Original authority was Executive Order 8857 (1941); modified by Public Land Order 1634 (1958), Alaska Native Claims Settlement Act (1971), and Alaska National Interest Lands Conservation Act (ANILCA; 1980)

Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

“The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

Subsistence activities addressed in this determination include hunting, fishing, firewood gathering, berry picking, and gathering of other plant materials (e.g., roots, wild celery, and grass). They also include airplane access and other associated means of transport such as snowmachines, motorboats, and other means of surface transportation traditionally employed for such purposes, as allowed under ANILCA Section 811.

Residents of the six villages (Larsen Bay, Old Harbor, Karluk, Ahkiok, Port Lions, and Ouzinkie) located in or near the Refuge have lifestyles and economies that depend on subsistence resources. Kodiak city residents are also considered subsistence users under federal regulations. Subsistence activities are not just a way of obtaining food, but an important mechanism for maintaining cultural values such as kinship, community, respect for elders, hospitality, sharing resources, and the passing of values to younger generations. In addition, many residents in the area simply prefer the taste of traditional wild foods to that of commercially purchased foods.

The mainstay subsistence food for the Refuge's nearby communities is salmon, which is obtained by subsistence harvest as well as kept from the commercial catch. All five Pacific salmon species found in Alaska are used, although chinook, sockeye, and coho are preferred. Freshwater species—including rainbow trout, Arctic char, and Dolly Varden—are also used, but to a much lesser extent. Birds and their eggs are also subsistence foods used by local residents. Large mammals, especially deer and elk, are important subsistence resources. Annual wild food harvests for Kodiak area communities average 272 pounds per person (Scott, et al. 2001).

A few local trappers operate within the Refuge, harvesting beaver, river otter and other small fur-bearing mammals. The sale of these furs provides supplemental income to residents of some communities adjacent the Refuge. The average annual number of trapper-related visits and harvest numbers of furbearers occurring on the Refuge are not available, but the numbers are small because less than 10 trapping permits are issued annually on the Refuge. Trapping is evaluated in a separate compatibility determination.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage subsistence activities at existing and projected levels. Management primarily includes conducting wildlife and public use studies and surveys specifically for the management of subsistence species, conducting harvest surveys in the local communities, and participating in the regulatory development process with the Federal Subsistence Board and State Boards of Fish and Game.

Anticipated Impacts of the Use

Fish and wildlife harvested by subsistence users at current and projected levels—in accordance with established state and federal regulations pertaining to season, bag limits, and methods of harvest—are not expected to have long-term impacts on the overall populations of Refuge fish and wildlife resources. State and federal biologists monitor fish and game populations, and state and federal regulatory bodies continually respond to management needs by adopting regulations to ensure the continued health of fish and wildlife populations.

Impacts to the resources from berry picking and other plant harvesting activities are relatively insignificant. Impacts to habitat caused by aircraft, boats, and foot travel are generally minimal. Much of the access by subsistence users is by boat, thereby causing very little impact to Refuge habitat. The number of aircraft landings on the Refuge by subsistence users is relatively low, and those occur primarily on existing bodies of water using float planes.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination.

Determination

_____ Use is Not Compatible

X _____ Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

Subsistence monitoring is carried out by staff of the Federal Subsistence Board. The Federal Subsistence Board designs subsistence regulations to insure protection of Refuge resources.

Justification

One of the purposes of Kodiak Refuge is to provide for continued subsistence uses by local residents, consistent with the other Refuge purposes of conserving fish and wildlife populations and habitats and fulfilling international treaty obligations with respect to fish and wildlife. ANILCA recognized that the continued opportunity for subsistence uses of public lands is critical to the physical, economic, traditional, social, and cultural existence of rural Native and non-Native residents of Alaska. ANILCA established a preference for subsistence users, stating that the taking of fish and wildlife on public lands for nonwasteful subsistence use is given priority over other consumptive uses. In times of scarcity, recreational use is limited first.

Section 811 of ANILCA ensures that subsistence users can access public lands by snowmachine, motorboat, and other traditionally used means of transportation, subject to reasonable regulation. In conclusion, current subsistence activities occurring on the Refuge contribute to one of the purposes of the Refuge while not materially interfering with or detracting from the other purposes of the Refuge or the mission of the National Wildlife Refuge System.

Supporting Documents

- Scott, Cheryl, Amy Paige, and Louis Brown. 2001. Community Profile Database. Alaska Department of Fish and Game, Division of Subsistence.
- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.

U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /
Project Leader Approval: LESLIE KERR 2-17-2006
(Signature) (Date)

Concurrence

Regional Chief,
National Wildlife
Refuge System: [Signature] 2/17/06
(Signature) (Date)

Mandatory 10-Year Re-Evaluation Date: January, 2016

NEPA Compliance for Refuge Use Decision

☐ Categorical Exclusion without Environmental Action Memorandum
☐ Categorical Exclusions and Environmental Action Memorandum
☐ Environmental Assessment and Finding of No Significant Impact
☒ Environmental Impact Statement and Record of Decision

COMPATIBILITY DETERMINATION

Use: Trapping

Primary Use: Trapping

Supporting Uses: Boating (electric and wind-driven), boating (human-powered), boating (motorized), fishing (general), fishing (other), hunting (big game), hunting (other migratory birds), hunting (upland game), hunting (waterfowl), hunting (other), plant gathering, rock collecting, natural resource collecting, camping, cross-country skiing, dog sledding and ski touring, hiking and backpacking, photography, video, filming, audio recording (nonwildlife-dependent, recreational—other), snowshoeing, swimming and beach use, outdoor recreation (other), fishing (subsistence), gathering (subsistence), hunting (subsistence), trapping (subsistence), subsistence (other), photography (wildlife), wildlife observation, fixed-wing aircraft, tree harvest (firewood).

Refuge Name: Kodiak National Wildlife Refuge

Establishing and Acquisition Authorities

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Refuge Purposes

Executive Order 8857 established Kodiak National Wildlife Refuge “. . . for the purpose of protecting the natural feeding and breeding ranges of the brown bears and other wildlife on Uganik and Kodiak Islands . . .”

Section 303(5)(B) of ANILCA states the following:

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- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited, to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.”

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The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate,

restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C.668dd-668ee]).

Description of Use

This determination re-evaluates trapping furbearing animals on Kodiak Refuge under federal subsistence and State of Alaska trapping regulations. River otter, red fox, and weasel are native mammals trapped. Of the introduced species, beaver, snowshoe hare, and red squirrel may be trapped throughout the Refuge, and marten may be trapped on Afognak Island. By regulation (50 CFR 36.32(c)(1)(iii)), the Refuge requires each trapper to obtain a trapping permit. Trapping occurs during winter, with an average of nine trapping permits issued annually 1994–1999.

Availability of Resources

Adequate Refuge personnel and base operational funds are available to manage trapping on Kodiak Refuge. A few hours of staff time are involved in issuing trapping permits and collecting information supplied by trappers.

Anticipated Impacts of the Use

State and federal trapping regulations are established to ensure healthy sustainable wildlife populations. Trappers themselves have little impact on the Refuge. Occasionally a nontargeted animal could be harvested. No long-term adverse impacts on wildlife populations or other Refuge resources are likely to occur because of continuation of trapping on the Refuge.

Public Review and Comment

Public comment was solicited concurrently with the revision of the Refuge's comprehensive conservation plan. No comments were received on this compatibility determination.

Determination

_____ Use is Not Compatible

X Use is Compatible With the Following Stipulations

Stipulations Necessary to Ensure Compatibility

A trapping permit is required.

The management direction provided in the revised comprehensive conservation plan for the Refuge will be implemented. Monitoring would be used to determine what additional management actions, if any, were needed to ensure compatibility. Continuing law enforcement and administrative monitoring of permits will be carried out to ensure compliance with the following conditions that are incorporated into all permits to minimize impacts on Refuge lands and resources.

Regional conditions

- Failure to abide by any part of this special use permit; violation of any Refuge-related provision in Titles 43 or 50, Code of Federal Regulations; or violation of any pertinent state regulation (e.g., fish or game violation) will be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U.S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants or contractors). Appeals of decisions relative to permits are handled in accordance with 50 Code of Federal Regulations 36.41.
- Any problems with wildlife and/or animals taken in defense-of-life-or-property must be reported immediately to the Refuge Manager, the Alaska Department of Fish and Game, and the Alaska State Troopers. Animals taken must be salvaged in accordance with state regulations.
- The permittee does not have the exclusive use of the site(s) or lands covered by the permit.
- This permit may be cancelled or revised at any time by the Refuge Manager for noncompliance or in case of emergency (e.g., public safety, unusual resource problems).
- The permittee shall notify the Refuge Manager during Refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
- In accordance with the Archaeological Resources Protection Act (16 U.S.C. 470aa), the disturbance of archaeological or historical sites, and the removal of artifacts are prohibited. The excavation, disturbance, collection, or purchase of historical, ethnological, or archaeological specimens or artifacts is prohibited.
- Permittees shall maintain their use areas in a neat and sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams. All property of the permittee except for cabins and tent frames is to be removed from Refuge lands upon completion of permitted activities.
- The construction of landing strips or pads is prohibited.
- The use of motorized vehicles is prohibited on all Refuge lands.
- The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
- The use of helicopters is prohibited.
- Unauthorized caches of fuel or other supplies are prohibited. Fuel storage, if any, will be in compliance with regional Service fuel storage policy.

Kodiak Refuge Conditions

- Visitors will be required to comply with any temporary restrictions, emergency orders or other types of regulatory actions promulgated by the Refuge Manager to prevent resource problems or conflicts, in cases of emergency, public safety, or unusual resource problems.
- The use of Native or State lands that have been conveyed (patented) is not authorized by this permit.
- Use of Native or State lands that have been selected but not yet conveyed is prohibited unless a letter of concurrence is submitted to the Refuge Manager prior to beginning any activities allowed by this permit.

- A copy of this special use permit must be in the permittee's possession at all times while exercising the privileges of the permit.
- Cabins on Refuge lands shall not be used by the permittee without the permission of the Refuge Manager except in cases of dire emergency for survival purposes.
- Food or garbage attractive to bears or other wildlife will be immediately disposed of. No attractive nuisance for bears or other wildlife shall be created by food storage, improper disposal of garbage (includes of burying of garbage), fish smoking, salting, drying, or other uses.
- Combustibles (paper, wood, etc.) may be burned, but all other debris, including cans, bottles, fuel containers, and any other noncombustible material shall be removed and disposed of off Refuge when departing camps.
- The permittee shall provide the Refuge Manager with a report of activities, including the number of animals by species taken under this permit within 30 days of permit expiration.
- Construction of cabins or other permanent structures is prohibited.

Justification

Trapping is a long-established use on the Refuge. Except for red fox, river otter, and weasel, wildlife sought by trappers is not native to the Refuge. Both the State of Alaska and Federal Subsistence Board manage harvest of wildlife, native and non-native, to ensure long-term sustainability of harvest. Most trapping occurs when there are few other visitors on the Refuge. Although pelts of animals trapped may be sold, trapping on Kodiak Refuge is not a major commercial venture. Trapping occurs either as a subsistence or recreational activity. The current level of trapping, or even a substantial increase in trapping activities, would have only negligible adverse effects on the resources of Kodiak Refuge because of State and Federal harvest management and the special conditions included in Refuge trapping permits.

Supporting Documents

- U.S. Fish and Wildlife Service. 1987. Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review, and Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, Alaska. 533 pp.
- U.S. Fish and Wildlife Service. 1993. Kodiak National Wildlife Refuge, Final Public Use Management Plan and Environmental Assessment. U.S. Fish and Wildlife Service. Kodiak, Alaska. 202 pp.
- U.S. Fish and Wildlife Service. 2004. Draft Revised Comprehensive Conservation Plan and Environmental Impact Statement Kodiak National Wildlife Refuge. U.S. Fish and Wildlife Service. Anchorage, Alaska.

Refuge Determination

Refuge Manager /

Project Leader Approval:

UBSUE KERN

(Signature)

2-17-2006

(Date)

ConcurrenceRegional Chief,
National Wildlife
Refuge System:T. J. Jorgensen

(Signature)

2/17/06

(Date)

Mandatory 10-Year Re-Evaluation Date: January 2016**NEPA Compliance for Refuge Use Decision**

- ☐ Categorical Exclusion without Environmental Action Memorandum
- ☐ Categorical Exclusions and Environmental Action Memorandum
- ☐ Environmental Assessment and Finding of No Significant Impact
- ☒ Environmental Impact Statement and Record of Decision